

By Mr. JACOBS (for himself and Mr. MIKVA):

H.R. 17962. A bill relating to the appointment of the Capitol Architect; to the Committee on Public Works.

By Mr. PODELL:

H.R. 17963. A bill to amend title 38 of the United States Code with respect to the computation of certain veterans' benefits; to the Committee on Ways and Means.

By Mr. TAFT:

H.R. 17964. A bill to appropriate an additional amount to carry out section 102 of the Manpower Development and Training Act of 1962; to the Committee on Appropriations.

By Mr. WRIGHT:

H.R. 17965. A bill to provide for an Environment Corps to help Federal agencies and local units of government in meeting their needs for skilled manpower; to the Committee on Education and Labor.

By Mr. UDALL (for himself and Mr. DERWINSKI):

H.R. 17966. A bill to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. SIKES:

H.R. 17970. A bill making appropriations for military construction for the Department of Defense for the fiscal year ending June 30, 1971, and for other purposes.

By Mr. BRADEMAS:

H.J. Res. 1250. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week"; to the Committee on the Judiciary.

By Mr. MCCLORY:

H.J. Res. 1251. Joint resolution to authorize the President to designate the period beginning August 2, 1970, and ending August 8, 1970, as "Professional Photography Week in America"; to the Committee on the Judiciary.

By Mr. ANDERSON of Illinois (for himself, Mr. BROOMFIELD, Mr. STEIGER of Wisconsin, and Mr. VANDER JAGT):

H. Con. Res. 657. Concurrent resolution the Congress reaffirms its constitutional responsibility of consultation with the President on matters affecting grave national issues of war and peace; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Res. 1065. Resolution to provide funds for the Committee on the Judiciary; to the Committee on House Administration.

By Mr. ESCH:

H. Res. 1066. Resolution to set an expenditure limitation on the American military effort in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. JACOBS:

H. Res. 1067. Resolution on Earth Day; to the Committee on the Judiciary.

T. Fitzwater; to the Committee on the Judiciary.

By Mr. PATMAN:

H.R. 17968. A bill to provide compensation to certain silver-dealer claimants by authorizing the sale of silver bullion; to the Commission on the Judiciary.

By Mr. WIGGINS:

H.R. 17969. A bill for the relief of Victoria E. Doles; to the Committee on the Judiciary.

MEMORIALS

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

398. By the SPEAKER: A memorial of the Legislature of the State of California, relative to oil drilling sanctuaries; to the Committee on Appropriations.

399. Also, a memorial of the Legislature of the State of Alaska, relative to the settlement of Alaska Native land claims; to the Committee on Interior and Insular Affairs.

400. Also, a memorial of the Legislature of the State of Florida, relative to the completion of Interstate 95 in Florida; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XX,

504. The SPEAKER presented a petition of Henry Stoner, York, Pa., relative to racism; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BEALL of Maryland:

H.R. 17967. A bill for the relief of John

SENATE—Monday, June 8, 1970

The Senate met at 11:30 a.m. 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 Father, at the beginning of a new week grant to us here a taste for that which is spiritual and sacred so that all we do which is temporal and secular may be in accord with Thy will. Grant that whatsoever things are true, whatsoever things are honorable, whatsoever things are just, whatsoever things are lovely and of good report, if there be anything which is unselfish and generous, if there be anything which Thou wilt accept and reward, may we think on these things.

Guide our Nation, O Lord, through these perilous days and vexing problems to an era of lasting peace and world brotherhood.

In the Redeemer's name. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 8, 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 my duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 5, 1970, be dispensed with.

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

WAIVER OF CALL OF CALENDAR UNDER RULE VIII

Mr. MANSFIELD. Mr. President, I ask unanimous consent to waive the call of the calendar for unobjected-to bills under rule VIII.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Ohio (Mr. Young) is recognized for a period of not to exceed 20 minutes.

Mr. MANSFIELD. Mr. President, will the Senator yield to me for some insertions?

Mr. YOUNG of Ohio. Yes, indeed.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 o'clock tomorrow morning.

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

ORDER FOR RECOGNITION OF SENATOR FANNIN TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of the Journal tomorrow, the distinguished Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 45 minutes.

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.

LEASE AND TRANSFER OF TOBACCO ALLOTMENTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 914.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 14306) to amend the tobacco marketing provisions of the Agricultural Adjustment Act of 1938, as amended.

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

There being no objection, the bill was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-913), explaining the purposes of the measure.

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

This bill would make permanent the authority for leasing of tobacco acreage allotments as provided by section 316 of the Agricultural Adjustment Act of 1938. At present section 316 is applicable to the 1962 through 1970 crops. The bill would also—

(1) Subject such leasing to the discretion of the Secretary of Agriculture and to a determination by the Secretary that it will not impair the operation of the marketing quota or price support program;

(2) Extend such authority to permit leasing of type 53 tobacco and to permit leasing to any farm of up to 10 acres of types 42, 43, and 44 tobacco (Ohio cigar-filler);

(3) Except dark air-cured, fire-cured, and Virginia sun-cured tobaccos from section 316, since broader authority for the sale or lease of those kinds of tobacco is contained in section 318;

(4) Extend the maximum duration of leases to 5 years (from 1 year).

In addition the bill would repeal section 316(g) (which provided for late filing of transfers of 1962 allotments and is no longer applicable), and make purely technical changes in section 317(f) of the Agricultural Adjustment Act of 1938 and section 703 of the Food and Agriculture Act of 1965. These changes have no substantive effect and their purpose is to eliminate surplusage.

COMMENCEMENT ADDRESS BY SENATOR AIKEN AT MIDDLEBURY COLLEGE, VERMONT

Mr. MANSFIELD. Mr. President, on the 1st of June the distinguished senior Senator from Vermont (Mr. AIKEN), the senior Republican in this body, received an honorary degree at Middlebury College, Middlebury, Vt. On that momentous occasion Senator AIKEN delivered a commencement address which as usual, is worthy of consideration by the Senate, the Congress, the administration, and the people of the country as a whole.

Would that we had more men with the down-to-earth philosophy of GEORGE AIKEN. Would that we had more people with his commonsense, his outstanding integrity, his great ability, and his deep humility. He really represents New England in the oldtime sense, and there are not many left like GEORGE AIKEN.

I ask unanimous consent, Mr. President, that the commencement address delivered by the distinguished Senator from Vermont (Mr. AIKEN) be incorporated at this point in the RECORD.

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

ADDRESS OF SENATOR GEORGE D. AIKEN

Many years ago, I came to Middlebury frequently to meet with the farmers and fruit growers of this area.

At that time, I was a farmer and fruit grower.

Then something happened and the next thing I knew I was a politician—or should I say public servant—holding public offices in my home town of Putney, in the State of Vermont, and finally in the United States Senate.

For a long time I have had two callings—agricultural and political.

In either category, if you don't watch out, you can get a lot of dirt on your hands but the dirt acquired through working with soil is more easily washed off.

I would not for a minute presume to tell you that there are no politicians—as well as people in other walks of life—who get dirt on their hands which will not wash off.

I only mention this because we are continually bombarded by self-proclaimed public philosophers who equate goodness with getting back to the soil—and all that is evil with political pursuits.

It is because of my concern over what I feel is a tendency these days to turn away from the responsibilities of life and politics that I address you today.

The drop in the percentage of voters participating in the 1968 elections disturbed me.

In many ways, the lives of the gardener and the politician are alike.

The gardener's job is to master Mother Nature—a task that is as old as man himself.

The politicians task is to master Human Nature so that we may better govern ourselves—a task that is never ending—a task which to date has not been satisfactorily accomplished.

The enemy of both good gardening and good politics alike has been called the Tyranny of Events.

In gardening, the work of a season can be destroyed by a hailstorm or a hard frost.

In politics, one can be riding the crest of the popular wave one day and the next day be drowned by the undertow.

If I read the mood of our young people correctly these days, many of them have a very strong desire to get down to the basics of life.

They are fed up with phonies and become impatient if problems cannot be solved promptly and acceptably.

Some young people take an extreme view and seem to feel that problems can be solved by burning down a bank.

Others, more moderate, but just as passionate, feel that the Establishment, meaning Government, cannot be trusted to come up with solutions to the current maladies of war, crime, pollution, poverty and inflation.

Therefore, they have decided to reject politics as a way to solve the problems of our society.

I feel strongly that the time has come to call attention to the danger inherent not so much to the defects of our political processes as to a lack of faith in the political process itself.

When people shy away from the political process, they are contributing to the despair, the frustration and the aimlessness of life we so often hear about.

I am told that the disenchantment with life and its prospects is greater now on college campuses than ever before.

The politics of the day reflect this feeling. It is very fashionable these days to become a "New Pessimist".

That fellow would rather fuss about problems facing our society than roll up his sleeves and do something about them.

I recently heard a National student leader

lament that one of the problems of the peace movement is that many of the people involved have little actual work experience.

There is nothing wrong, however, with lack of experience if one is willing to learn and to work.

In today's world, there are times when facts, if not expressed in dollars and cents or in other numerical forms, are not recognized as facts at all.

Washington does worship the almighty dollar, the way foreigners seem to think all Americans do.

But it is not always so much a matter of greed as of frustration.

Votes on money bills in the Congress often appear as great events, even though no one can tell, much less the Congress, whether there is any real relationship between the money appropriated and the problem under review.

The public gets the impression that with the appropriation of blank billion dollars problems have been "faced."

The trumpets blare; the headlines shriek. Another war on something or other has been won.

Progress—so it seems.

Surely government ought to be more than that.

Increasingly, there is not enough consideration in Washington on what effect programs have on people after the Congress acts.

Washington is program-oriented, not people-oriented.

It is for this reason that I have always urged young people who want to get in politics to start at the community level.

When you start at the local level, you know that people count.

It is fashionable these days for the New Pessimist to conclude that because some public institutions are not responsive, we should give up on all of them.

I have even heard that we should abandon technology because we have created a society in which the producer of the technology never consults with the person who is affected by the results.

That is like saying because you have once been burned by fire all matches should be banned.

There can be no question that technology has tended to become the master rather than the servant of man.

We have even created a new social being—the Technocrat.

In some respects, he is the top dog in Washington these days.

He sits on all councils of power and is turned on like a computer to help with decision-making.

To some extent, the Technocrat has become the security blanket of all top government officials.

He is the man who is continually figuring out the "unmet need" which tends to reduce all matters to dollars and cents problems.

We end up measuring our social and political problems in quantitative terms as though we are bereft of other forms of expression.

The needs of schools are rarely expressed in terms of a greater understanding of the role of schools in our society, but in terms of price tags of various ill-defined and ill-understood programs.

We even carry this zeal for quantification into our foreign policy.

Our invasion of Cambodia has been called "successful" because we captured blank pounds of rice, X numbers of rifles and rounds of ammunition and 600 bicycles.

National morale, administrative credibility and justification for the war are all subordinated to the numbers game.

In another area, the needs of India and

the ability to help her people are not expressed in a deeper understanding of that great civilization.

The are expressed in terms of dollars of foreign aid.

I am, perhaps, being unfair to the army of Technocrats that is trying to bring scientific management to our sprawling Federal bureaucracies.

This new breed of professionals think they have discovered ways to improve the mechanisms of self-government, and those ways speak only the language of numbers.

But like everyone else in Washington, the Technocrats are tyrannized by events and their new knowledge, so far as it exists, gets drowned in facts.

I hope they will persevere in their efforts, but they need to develop a sense of proportion.

Numbers, like facts, are good servants but bad masters.

In order to master events some politicians have even tried to become Technocrats.

Campaigns are based on computers and contributions.

Some candidates would rather sweat under the harsh lights in a television studio than take their candidacies directly to the people.

In many cases, the voter is expected to choose a candidate based on how he is packaged instead of what he believes.

If there is anything which is causing frustration and alienation in our society, it is that the people are losing contact with their elected representatives.

This is especially true of the more populous states.

At the same time, too many elected representatives tend to think not in terms of people but of votes and re-election.

The people of Vermont are good to their politicians compared to many other states.

Vermonters, in return, expect that their politicians will not owe their allegiance to the most generous campaign contributors.

Yet, even in Vermont, we are moving into an era when combined political campaign costs for all offices—State and Federal—may run into hundreds of thousands of dollars.

I speak about my own State because I know it and love it.

I do not mean to imply that spending money on an election campaign is bad, or that any politician who does so will be tainted.

In the end, the people who are put in public office are only as good as the citizen who are interested in their election.

I agree with those who are demanding more candor and integrity in politics.

I disagree with those who say it isn't possible to find honest politicians and therefore the current political system must be scrapped.

The same hazard would exist in any other system.

All of us want power—whether it is social, economic or political.

The difference is the degree in which we seek it and the means we employ to get it.

Some of us are more ruthless and more greedy than others.

The "He's-got-it"—"I-want-it" urge is a universal human trait.

This is how wars get started.

It makes no difference whether the object of our desire is the beaver skins of North America, the gold of the Andes or the trade of the South Pacific.

It is probably quite obvious to you that I retain my faith in the political system.

I do not suggest a Utopia where everything will turn out all right if only people pay more attention to politics.

That would be oversimplification.

In the end, is not life a continued reliance on faith in man's ability to improve his world?

Even the New Pessimists have not figured

out how to achieve social change without resorting to the uses of political power.

I agree with those who feel that change through the legitimate use of political power is highly desirable.

One of the great lessons which emerged out of the recent anti-war demonstrations in Washington was that many people—young and old—came to realize that before you can change policies, you must understand the political process.

I was amazed that so many of our college students and a goodly percentage of our business and professional people whom I met with had very little understanding of the legislative process.

One reason why there is lack of faith in the political process is that many of our people simply do not know how it works.

That is why I wish more schools and colleges would include more courses on citizenship and how the man in the street can use the political process to achieve desirable changes.

It is natural for those in control of the system to want to keep that control.

Our government, however, is built on the premise that there is safety in numbers and that public offices should not be regarded as private possessions.

It is because of this faith in the security of numbers that I am pleased to hear that many students plan to get involved in the election campaigns this fall.

In many ways, this coming campaign will be the test for the people of this generation.

If they fail to gain any satisfaction out of the hard work of the campaign and helping their candidates get elected to office then I fear that the political system as we know it will become weaker.

I am not so naive as to suggest that the fate of the American political system rests with the students, but it certainly needs the young people to have faith in it so it can retain its credibility as an institution.

I would just hope that you will not conclude because your candidate "lost" the election that the system has failed.

If some of this graduating class are thinking of coming to Washington to enter the field of government, despite the fashionable pessimism of our times, I urge you to come around with a well-developed sense of humor.

For what the tangled bureaucracy needs, and the politicians too, is people who will laugh at their pretensions.

Washington takes itself much too seriously these days.

Many bureaucrats and politicians alike have come to worship figures more than facts.

This is the inevitable result of being tyrannized by events.

Slowly but surely since World War II, events have ceased to be an inspiration, and have become more and more a tyranny to those who work in Washington.

One of the bureaucratic foundations laid in the New Deal days, a wild forest of agencies and offices has grown, mostly created as the result of some event or other rather than as a result of careful deliberation.

And virtually all have survived long after the events that created them have been forgotten.

I don't necessarily recommend that you come to Washington.

As I mentioned earlier, the real political task of your generation will be to bring politics back home to our communities and states—for that is where the quality of government is determined.

By bringing politics back home to the people of our states and communities, we can be assured that events will take less of a toll than otherwise would be the case.

And if you laugh at the Technocrats from

time to time, as I hope you will, you should learn from them, also.

For in our country technology does bring a real hope.

It promises to permit in our communities a diversity of life never before known.

So much that we desperately want to make unimportant, like the color of man's skin or the size of a man's fortune, will only become unimportant when we truly welcome diversity, not just in Washington, but in every community in our land.

I hope some of you will take on the challenge of learning how better to master nature while preserving its life-giving qualities.

And some of you, I hope, will want to get that priceless education in human nature that comes with a political career.

Maybe some of you will take to gardening or fruit growing.

It's a good life, also hard work.

The dirt that sticks to your hands washes off quite easily.

If you are a good gardener that dirt does not pollute the streams, and your plants do not exhaust the soil, but rather enrich it.

After I leave Middlebury today, I shall go back to Putney and start making a garden.

The field where I work will be full of stones and roots—it has not been plowed for a hundred years.

Some folks will tell me it is too late to plant a garden and even if it were not when the plants come up they will be attacked by borers—parasites and diseases and possibly destroyed by storms.

And since I shall be away most of the time this summer, they will be afflicted by the worst of all enemies—neglect.

Be that as it may, I shall plant that garden—for planting is my symbol of hope—of confidence in the future.

Now when college graduates of today enter the broad field of life's work in government at one level or another, they will encounter about the same conditions that I find in planting my garden.

The field will be rough and full of weeds and stones.

They will be assailed by pests, borers, diseases and parasites.

And some pessimists, blandly ignoring any alternative, will tell them they are too late—that government has already failed—so why bother.

Well, I shall pick something from my garden if it's no more than radishes.

And you graduates, the future "establishment" of the Nation, you can make unmitigated liars out of your pessimistic advisers, for government has not failed and is here to stay.

At your insistence—and by your deeds—it will be made better.

So, let every person here today, young and old, Democrat, Republican and Independent, Liberal and Conservative, be active politically on the local, State and National level beginning right now.

If you fail to do your part in making government better, you have no right to complain.

If you do your part, you will have no reason to complain.

As in the case of my garden, the season is getting late—but it is not too late.

COMMENCEMENT ADDRESS BY SENATOR MANSFIELD AT FLATHEAD HIGH SCHOOL, KALISPELL, MONT.

Mr. MANSFIELD. Mr. President, on June 1, 1970, I had the honor to deliver the commencement address at the Flathead High School in Kalispell, Mont. I have been informed that it was the first commencement address delivered by an outside speaker before a graduating

class of the Flathead High School in 25 years. The fact that I had the honor to give the address on that occasion is not interpreted by me as attributable to what the Senator from Montana has done or what he has not done or has failed to accomplish or has accomplished; but it does indicate a shift in a certain way which I think may be worthy of bringing to the attention of the Senate for whatever it may be worth.

The vice president of the senior class, Bob Benke, sent me an invitation and asked me if I would address the graduating class at the Flathead High School. I wrote back accepting the invitation and stating that I was looking forward to it with pleasure. When I reached Kalispell a week ago today, I was the guest of the Benkes, and I learned that three invitations had been sent by Bob Benke—one to the President of the United States, another to the Secretary of Defense, Mr. Laird, and a third to the majority leader, the senior Senator from Montana. The President and the Secretary of Defense declined with deep regret. The Senator from Montana accepted with some anticipation. But I want the Senate to know that I was No. 3; and No. 3 always tries harder than No. 2 or No. 1.

Of course, when my acceptance reached Bob Benke, he had to take it up with the senior class to see what they would do about it, because he had done it on his own, unbeknownst to his classmates. Fortunately, I suppose, for the Senator from Montana, they thought the idea was acceptable. The invitation was sent to me, the address was delivered, and I ask unanimous consent, Mr. President, that the commencement address which I made at the Flathead High School in Kalispell, Mont., on June 1, 1970, entitled "Graduation 1970: Problems and Prospects," be incorporated at this point in the RECORD.

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

GRADUATION 1970: PROBLEMS AND PROSPECTS
(Remarks of Senator MANSFIELD)

Ladies and gentlemen of the graduating class, when your vice president, Bob Benke, asked me to be with you for this occasion, he suggested that you might like to hear my thoughts—and, here, I use his words—"as to how good Americans are supposed to act." Let me say that I am not an authority on good behavior. Therefore, you will be spared a lecture on that subject. I can understand, nevertheless, why Bob Benke chose those words: "how good Americans are supposed to act."

These are confusing times. Students go on strike. The campuses sometimes erupt in violence. Policies of government are widely questioned. Misuse of drugs cripples countless numbers of Americans. Crime is on a rampage in the large cities and spreads into surrounding areas. Public services are often strained to the breaking point. People—regardless of age or occupation—are concerned and uneasy and are looking for answers to their questions and solutions to their problems. It is a time, indeed, to test our understanding and our patience. It is a time, too, to return to the old virtues of civility, mutual respect, responsibility, and a recognition that each of us is a part of the whole fabric which clothes this Republic.

As you well know, the catalogue of our national ills is long. Even worse, the difficulties seem to be coming to a head all at once and at a time when there is a serious decline in the national economy. Your graduation, in short, takes place at a moment of great uncertainty.

I wish that I could give you some certain guidelines for these troubled times. I wish there were a formula that I could leave with you tonight. I wish I could delineate a path by which to thread your way through the perils of late 20th century existence, emerge unscathed into the 21st century, and still enjoy life. There is no magical prescription. Even if there were, you would have long since learned it from better sources than your Senator.

What I can discuss with you are reasonable expectations for your generation and some of the obstacles which stand in the way of their achievement. With that as background, you may better be able to establish your own guidelines.

It seems to me that graduates of 1970 have a right to aspire to a long interlude of international peace. I say that notwithstanding the events of the past few weeks in Cambodia which have opened up, once again, the prospect of expanded war in Southeast Asia.

You have a right to aspire to a measure of economic security if you are prepared to strive for it. The nation has the resources to make that an attainable goal for all. If we have the good sense to channel our capacities effectively, the goal can be reached. During your decades of life you should be able to enjoy the fulfillment of useful work in keeping with your skills. Again, I say that, notwithstanding the recent nosedive in the nation's economy and the rise in unemployment. From these two basic conditions—peace and a stable and secure national economy—can be derived the personal goals of most Americans, that is, a home, a healthy family, a congenial community and a robust environment for recreation.

These normal expectations should be within the reach of every young citizen who graduates this year. But are they? The fact is that while we have talked of peace, war has been the uninvited guest at each high school commencement for many years. Ever since you were born, you who are graduating have lived with war and the threat of war. Ever since you entered your teens, we have been seeking a way out of Viet Nam and it still eludes us.

For millions of Americans, moreover, a degree of economic security remains more an American dream than an attainable reality. This year it is more distant than it has been for a long time, not only because of rising unemployment which I have mentioned but also because of ever-higher prices.

Unless the inflation of living costs and the constriction of the economy can be reversed, the dispossessed are bound to grow steadily in numbers. Moreover, if the Southeast Asian involvement persists, the disenchanting will also grow, especially among the young. The two—war and economic recession—are closely related. I see little prospect of a healthy economy at home while the war abroad goes on. Nor do I see much prospect of domestic tranquility if the economy continues to falter. As it is now, the war consumes abroad a great segment of the resources which are greatly needed at home to deal with such difficulties as population, pollution, crime, gun crime in our large urban areas, drugs, transportation and power shortages and the like.

We are, in short, at a most painful point in our history. In my judgment, we have been brought to this point—largely unnecessarily—by outdated foreign policies. In

our relations with the rest of the world, we have been ineffective in reconciling the pull of the past to the changing requirements of the present and the future. The result has been a prolonged misdirection of our energy and resources. Men and money have been used with a lavish hand to do the unnecessary or superfluous abroad. At the same time, we have failed to keep up with the needs of our people at home.

The problem is not unique in the present administration. It has been the case under several administrations. We have been, for too long, on a kind of dead center, whether under a Democratic or a Republican administration. In my judgment, it is largely this failure to move out of the doldrums of an outdated policy which has prevented us from finding the way out of the military involvement in Southeast Asia.

We will see more clearly what is involved in our predicament, I think, if we ask ourselves what possible national interest has compelled us in the first place to become deeply mixed up in the affairs of these remote and weak nations of Southeast Asia. Are we seeking control of territory in Asia? Obviously we are not; we gave up the Philippines a quarter of a century ago and the President has only recently agreed to return Okinawa to Japan.

Nor, do we depend on Southeast Asia for significant trade. The total of our commerce with that region is minor. In any event, it could not begin to compensate for the more than \$100 billion which the war has already cost the American people, not to speak of the human suffering which has been inflicted on hundreds of thousands of servicemen and their families. There are over 50,000 dead and more than 325,000 wounded to date in this conflict. I shall not cease to ask myself—what for, what for—until this war is brought to an end.

We do not need military bases in Viet Nam nor anywhere else on the Asian mainland. That is not why we are in Viet Nam. Asia has long been viewed as a military trap by outstanding American military leaders. A quarter of a century ago, General Douglas MacArthur urged us to stay clear of the mainland in a military sense, as did his colleague of World War II, General George Marshall. In recent years, many of their successors have taken the same position.

Who is to say, finally, how much lasting good our military involvement will do even for the men, women, and children of Viet Nam? All we can say with certainty is that, to date, hundreds of thousands of these simple people have been killed and millions have been made refugees from their ancestral homes by the war. The same is true on a smaller scale in Laos and now, in Cambodia.

If there are no significant American interests, what then has impelled us to make the sacrifices of this war? I believe the explanation lies, as I have already noted, in the pull of past policies. Twenty years ago these policies were effective in containing a threat from Soviet Communism to our vital national security interests by way of Western Europe.

Since that time, substantially the same policies have been spread around the world. We have projected our power through alliances or various overseas programs into all parts of the globe. We have cast ourselves in the role of world's policeman even though we have rejected the title. This costly sprawl of power has been haphazard and indiscriminate. By means of alliances, military aid base agreements and supporting economic assistance, we have become enmeshed in the affairs of many nations where we have no legitimate national interest or business.

To be sure the policies which have compelled us into Viet Nam have had something

to do with stopping Communism as was the case with our policies in Europe two decades ago. But Southeast Asia is not Western Europe. Too little regard has been paid to this fundamental variance of time and place. As a result, we are now bogged down in the fringe area of Southeast Asia. The great sacrifice in Viet Nam has done nothing to stop Soviet Communism. Nor has it dealt with Chinese Communism. Rather, we have thrust ourselves willy-nilly into a struggle against a heretofore obscure Southeast Asian version of Communism in the rice fields and jungles of Indochina. It is a war which has been going on for decades as a Vietnamese conflict, at times against the French, at times against the Japanese, and at times among the Vietnamese, the Laotians, and the Cambodians.

So I repeat, not our national interests but the inertia of our policies is at the root of our involvement. If we had a national interest in this area it was not to have become involved in a military sense in the first place. Failing that, our national interest was to limit severely our involvement and to seek to prevent a spill-over into the surrounding countries. Now that the war has broken these bounds and our involvement extends into Cambodia and Laos, it is in our vital national interest—as I see those interests—to reverse the process.

The President has stated that he wants to pull U.S. forces out of Cambodia by July 1 and he will, if not before. The Senate been trying to supplement that purpose by action of its own for the same purpose and in accord with its separate Constitutional responsibilities.

May I say, my views on this point are not of recent origin. Three Presidents have been made aware of my opposition to this military involvement and its progressive expansion. I have done my best, nevertheless, to support the President, regardless of party, when it seemed to me that he was trying to disengage the nation from the Southeast Asian morass. By the same token, however, I have been obliged to act in the light of my own responsibilities as your Senator when I felt, in good conscience, that such action would contribute to the restraint of the war.

I have never viewed the conflict in Viet Nam as some sort of football contest to be won or lost by one side or the other. It is a deadly tragedy in which there is no victory, either for one side or the other and least of all for the people concerned. I have never seen the settlement of this conflict as a matter of saving the face of one political leader or another, or one general or another. Rather it is a question of saving lives, of minimizing the loss of the young men who continue to be sent to Indochina.

I have urged negotiations in Geneva, at Paris or wherever they might be effective for the purpose of ending this conflict. The place and the negotiators do not matter. What matters is to bring about a ceasefire. What matters is a speed-up in the withdrawal of our forces and the release of U.S. prisoners, the provision of safety for people who fear political reprisals and the neutralization of the entire Southeast Asian region.

Such a solution would clearly accord with the national interest of this nation. It would also be acceptable, I believe, to most of the people of Viet Nam and Southeast Asia because it would remove the spectre of foreign domination, notably Chinese domination. Ironically, one of our reasons for involving ourselves in this war was to stop Chinese expansion. Yet, the prospect for Chinese expansion into Southeast Asia grows larger as the war spreads its devastation throughout the region and takes its toll of the populace and its local leadership and its resources.

In commenting as I have, I am aware that it is the graduating class of 1970 and the several preceding classes whose lives and future happiness are most bound up with

this ill-fated conflict. It is not surprising, therefore, that some of the most penetrating questions about the war are asked by young people. May I say that they are entitled to straight answers, not shop-worn justifications from those of us who would represent them in government. In this regard, if any of you have written to me about the war in the last few weeks, I trust you have already received a reply from me. Letters have come to me from Montana by the thousands since the beginning of the Cambodian venture and I could not respond except in general terms. Therefore, I hope you will take the remarks which I have made today as further answer to the questions which have been prompted by the spread of the war into Cambodia.

To those of you who will be going into the Armed Forces, I want to say that you will have the support I have always tried to give to men in the military services. Servicemen do not make policies but they are called on to carry them out—whether in agreement with them or not. Those who are in Indochina are not there by their choice, but by their government's direction. Whatever our feelings about the war, they deserve every support which the rest of us can give to them. Insofar as I am concerned, they will have it.

I will work to change policies which I believe do not accord with the interests of this nation. In the interim, however, I will not turn my back on the men who are carrying out present policies. On the contrary, I will do whatever I can to support them, whether they are from the regular services, from the ROTC, from the reserves or whatever.

It has also been my view for many years that young people should have a full voice in formulating the policies which they are asked to carry out. Young people under twenty-one are regarded as old enough and wise enough to marry, to enter into contracts, to be treated as adults in the courts, to pay taxes, and to risk their lives in war. They are also mature enough, in my opinion, to participate in the making of the policies which are responsible for subjecting them to the risks of war. They are mature enough to participate in the selection of their representatives in government. Therefore, I will continue to do whatever can be done to see to it that the voting age is lowered on a national scale and as soon as possible.

To all of you young people, whatever your future and whatever your political persuasion, I ask you not to lose sight of the fact that this nation has great resiliency. It has weathered many storms and stresses in the past. It has adjusted to many changes within the established framework of civil order. The process has not always been a easy one. It is not easy in today's circumstances.

I urge you all to respect the order which has evolved, to have faith in the capacity of our society to evolve further and adjust to change. Above all, I urge you to become involved in the process of democracy, instead of standing on the sidelines and shouting at it.

Those of us who are already in this process—the President, the Senate, the Congress and other government officials—have a responsibility to you. We have made mistakes. We have not ordered the affairs of this nation in a way which leaves nothing to be desired. On the contrary, we have done our share of drifting. We must redouble our efforts to get the nation back on course, at home as well as abroad.

If there is one message that I want to leave you with tonight, it is that the time has come for us to work together—young and old and as Americans from all parts of the nation—to redress the balance and straighten up the accounts. We have gone along for too long on the comfortable assumption that the sky is the limit. We are getting clear signals, I believe, that the limits are

much lower and that in some cases they are already being reached.

Our policies abroad need to be reexamined and recast to the end that there may be more adequate allowance for urgencies at home. We must bring the war to an honorable end and put an end to inflation and the recession. We must turn a greater measure of attention and effort to the development of a social and environmental climate in this nation in which all citizens may live with one another in reasonable health, order and peace.

The critical necessity is a redefinition of our role in the world. As I have tried to point out, I believe the timelag in our foreign policy has had vast and adverse consequences for the rest of our national life. That will continue to be the case until we develop a clearer sense of where our real national interests lie in terms of present day realities.

In talking to you tonight about the problems that face us and the goals that elude us, I hope that I have not seemed to stress the dark side of things too much. I have talked frankly because it seems to me that no graduating class in this State, or, indeed, the nation, wants it any other way in this troubled spring of 1970.

Your generation is both realistic and idealistic. Therein lies your great strength. It will help us to see more clearly where our true national interests lie and what our true priorities are in the years to come. I have every confidence that you will not let the nation down and I have every confidence that the nation will not let you down.

Mr. SCOTT. Mr. President, will the distinguished Senator from Ohio be good enough to yield to me briefly?

Mr. YOUNG of Ohio. I yield.

Mr. SCOTT. I thank the Senator.

Mr. President, any commencement address made either by the distinguished majority leader or by the dean of the minority party, the senior Senator from Vermont (Mr. AIKEN), will be worth the attention of the Senate and of readers of the CONGRESSIONAL RECORD. Both of these Senators speak from conscience and from the heart, and both of these Senators speak of concerns which are shared by the American people. They speak courageously and cogently, and whether the accent is the Yankee accent of Vermont or the western accent of the distinguished majority leader, the words carry conviction and assurance.

Mr. MANSFIELD. Mr. President, if the Senator would not mind, first I would say to him how grateful I am to him for his kind words about the distinguished Senator from Vermont (Mr. AIKEN) and the Senator from Montana, now speaking. It is a pleasure to work with a man of the stature, the ability, and the capability of the senior Senator from Pennsylvania, the minority leader of the Senate. And may I say that had I had his speech before me, I would very likely have included it at the same time, with the other commencement speeches, in the same spirit, with the same generosity and with appreciation.

Mr. SCOTT. I thank the distinguished majority leader; and I add the suspicion that someone may yet do it. I appreciate his kindness.

Mr. MANSFIELD. If the Senator will allow me, I would like to have that privilege, sight unseen.

Mr. SCOTT. The Senator's kind offer is accepted, and the speech will be off to him, both pronto and posthaste.

COMMENCEMENT ADDRESS BY SENATOR SCOTT AT GETTYSBURG COLLEGE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that excerpts from the "Gettysburg Address," of the distinguished Senator from Pennsylvania also be printed in the RECORD at this point. I am sure that there will be much in it which will be worthwhile to the Senate, the Congress, the administration, and the American people as a whole.

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

SCOTT CALLS MODERATION "REASONED ACTIVISM"

It is time forcefully to advocate and adopt a progressive middle ground. It is time to recognize moderation as the rational way to lasting progress. It is time for Americans to work out deep differences in opinion and attitude through a spirit of conciliation. It is time to realize that the search for accord is not to be equated with fence-sitting or evasion. It is time for the media to consider more exposure on efforts towards reasoned compromise. It is time for more understanding and less confrontation. This is the better way.

The deafening roar from opposing ends of the social and political spectrum threatens to drown out the voices of the middle. Moderation is in danger of losing its constructive effectiveness. Hopes for national unity through the search for accord often seem to be growing dim.

But there is hope for unity if we widen understanding and broaden the middle path.

I do not ask you to quiet your cries for justice. I do ask you to reject the simplistic answers—to accept the complexities of life.

I do not tell you to dampen your enthusiasm. I urge you to listen to other voices. It is often wiser to question the answer than emotionally to applaud your own questions.

I do not advocate inaction at a time when action is desperately needed. I do beg you to replace violent rhetoric and action with longlasting dedication and reasonable advocacy.

As Sociologist Philip Slater wrote recently, "It is precisely in a time of transition that all the qualities usually associated with the center—patience, good temper, a skeptical willingness to wait and see—become valuable because they are so scarce."

I am one of those who firmly believes in this great middle way. Lonely as it often is, I do not apologize. If we—you as well as I—allow this nation to factionalize, we forsake our commitment to democratic processes. We rule out progress. We permit chaos and we seek repression, as Senator Margaret Smith of Maine has so well pointed out. I fear that many of your fellow Americans would choose fewer freedoms before they would accept anarchy. Such a choice, among reasoning persons, should never be necessary.

I know your frustration with the cumbersome structures of democracy. But I cannot submit to theories that advocate its destruction or "opting out of the system" as some put it. Not everyone can move to Sweden. I cannot advocate tearing down a system, however imperfect, when avenues of improvement remain open—when the risks of destruction are so great.

I must urge you to reject the rhetoric of revolution, and instead, contribute to shaping evolutionary change. I beg you to help deepen and broaden the great middle way.

This way lies the preservation of all that is good in our society, of that freedom which men would value even more highly were they ever to lose it.

The way of reason is the one good road to free men, free institutions—and freedom.

Mr. SCOTT. I thank the Senator. I have read in the press from time to time that the minority leader takes us off line, or that he appears to be overconciliatory, or that he does not seem to be sufficiently partisan. I want to assure the Senate that I will retain my partisan credentials, that I can be as partisan as the occasion warrants, but I have found through my association with my colleagues in the Senate that it is not an evidence of weakness, but rather of confidence, and I hope of strength, that we seek to work out our numerous variances of opinion here in that spirit; and therefore I am going to continue to do it, regardless of who may think that this attitude of conciliation represents anything other than what it is: a deep respect for the Senate as the guardian of the interests of the Nation within its constitutional function.

Mr. President, reverting to the "Gettysburg Address," I ought to say it was not written on the back of an envelope while traveling by train to Gettysburg, but represented a far more modest effort. I am sure the distinguished majority leader will find no fault in it. It stems, I think perhaps, from Thomas Paine, in an appeal to reason and an urging that all of us seek to assert our strongly held views with a deep and honorable respect for the differing opinions of others. It is also an effort on my part to speak up for the center position, and to offer some views as to why the more sonic effects of the decibel patterns of right or left are not always to be preferred.

The reason I rose, however, was that I wanted to comment on the student body. This is the third commencement address which I have survived, and yet I do not want to rely on that comment of the Abbé Sieyès with regard to the French Revolution. As a matter of fact, in all three of these cases, the student bodies were eminently well behaved. They were people who respected the reasoned views of others. The conducting of the commencements was successfully managed. The only enemy we had was, on one occasion, the weather.

In this commencement exercise at Gettysburg yesterday, I think that the faculty and the administrators worked out an excellent way to recognize the very strongly held concerns of the student body. For example, the students wanted some way to protest; so some of them adopted the device—I think first used at Oberlin—of refusing to wear the gowns, the traditional commencement uniform. I think about 60 of the 400 students did not wear the uniform—more girls than boys. I suppose it was more than a coincidence that the girls who did not wear the long black robes were almost uniformly dressed in miniskirts, and well proportioned. At least I think this may have been more than a coincidence.

But they also decided on two other ways of expressing their protests. Instead of arousing the other people of Pennsylvania by violence or indignities to themselves or others, it was agreed that they would sign a statement wherein they

indicated how strongly they felt about the war in Southeast Asia, and how they protested some of the aspects of that war, on the condition that their protest be printed with their names and inserted in the commencement program. Of the 400-odd graduates 154 did this, and in doing it, it would seem they represented approximately the same percentage as those who find themselves in disagreement with the administration throughout the Nation. So the college population, as evidenced by a typical college in Pennsylvania, has about the same percentage sentiment as the population in general, as shown by the polls and surveys.

Then they decided if they wanted to protest what the speaker said, instead of boos—and I think both boos and protests are unsuitable in the groves of Academe, and would lead ultimately, if they got out of hand, to our calling them "the graves of Academe"—that they would not boo the speaker if they disagreed with him, but would indicate their dissent by waving white handkerchiefs. I am glad to say that among the students, when the speaker finished, no white handkerchiefs were waved. This may have been for many reasons, but the speaker prefers to think it was because an appeal to reason still makes good sense on a college campus.

I thank the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that this interesting and, in fact, delightful dialog and conversation for the past 20 minutes not be deducted from the time allotted to me.

Mr. MANSFIELD. Oh, no, Mr. President, that was not intended; and if the Senator needs more time, I assure him it will be forthcoming.

Mr. YOUNG of Ohio. I was happy to be here to listen to it. Mr. President, I ask for 10 additional minutes, in addition to the time already allotted.

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

MURDER AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, on Monday, May 4, a beautiful, warm, sunny day a few minutes after high noon, two college girls and two college boys were killed by a volley fired from the rifles of Ohio National Guardsmen. Ten boys and girls were wounded, requiring hospitalization, some critically, one being paralyzed from the waist down. They were on the commons of their university. They were not rioting. Some had just come from their classes. The university was in session. One of the college girls killed had just come onto the university commons; her schoolbooks lay beside her dead body.

It has now been more than a month since the tragic slaying of these four young men and women at Kent State University and the wounding of 10 others. Much has been learned about the tragedy in the past month. Hopefully, President Nixon will appoint a high-level commission in the very near future to make a thorough study of the May 4 murders and their causes. Such a study would form the basis for positive actions to prevent

similar tragedies from occurring in the future.

Of course, a great deal of discussion has taken place about the Kent State disorders, even in the absence of a Presidential Commission. Some have contented themselves with the spouting of slogans, epithets, and accusations. Others have made a serious effort to determine the facts and to comprehend the real significance of what occurred on May 4, 1970, at Kent State University in Ohio.

Mr. President, Knight Newspapers, Inc., publishers of the Akron Beacon-Journal, the Miami Herald, the Detroit Free Press and several other nationally known newspapers, has made an important contribution to public knowledge about the Kent State University tragedy. A team of seven reporters was assigned to investigate the case. For 2 weeks they interviewed students, National Guardsmen, public officials, and townspeople of Kent, Ohio. They studied official reports and examined photographs. The result of their efforts is an outstanding report, more than 30,000 words in length. That report, if read by the American people, will add immeasurably to understanding and constructive dialog.

In particular, an article about the causes and meaning of the violence at Kent State University, by Lee Winfrey, of the Detroit Free Press, should be read by all Americans. I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. YOUNG of Ohio. Mr. President, though Mr. Winfrey's article will appear in its entirety, I would like to read that part in which he cites the conclusions of the Knight reporters based on their extensive research. Those conclusions are:

The four victims did nothing that justifies their deaths. They threw no rocks nor were they politically radical.

No sniper fired at the national guard.

No investigative agency has yet found any evidence sufficient to support such a theory.

The guardsmen fired without orders to do so. Some aimed deliberately at students, while others fired in panic or in follow-the-leader style.

It was not necessary to kill or wound any students at the time of the shooting. The guardsmen had several other options which they did not exercise, including firing warning shots or marching safely away.

There is no evidence to support suggestions by university and city officials that four former members of the Students for a Democratic Society (SDS) planned and directed the trouble.

No reasonable excuse could be found for three violent acts by the students—breaking downtown store windows, burning the university ROTC building and throwing rocks at the guardsmen before the shooting.

The prime and immediate cause of the trouble was President Nixon's decision to invade Cambodia. Kent State, a basically conservative campus, has not generally been violent in the past.

Mr. President, the four young students who were killed were on the campus commons where they had every right to be. None was engaging in acts of violence at that time or any time throughout that Monday. Those acts of

violence referred to in the report and referred to by me occurred away from the university commons on the preceding Saturday and Sunday nights in downtown Kent, not on the university commons.

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

The mayor of Kent announced a 9 o'clock curfew, and on both Saturday and Sunday nights many Kent State students, male and female, were jailed, charged with violating the curfew. They were locked up throughout the night, denied permission to telephone their parents, and in the morning each was fined \$50.

As stated in the report, and as the senior Senator from Ohio has stated in this Chamber on other occasions, there had been some rioting downtown the preceding Saturday night and Sunday night. However, on that beautiful Monday morning and early afternoon of May 4, there had been no violence on the campus, there had been no violence in downtown Kent.

At around noon to 12:20 p.m. many students were attending classes or were in their dormitories. There were several hundred of the 19,000 Kent State students on the university commons. No student at that time was closer to the National Guardsmen than 75 feet. Most of them were more than 100 feet distant.

These boys and girls were crowded on the commons, where some of them had to be in coming from classes or from dormitories. Suddenly, after the guardsmen had hurled tear gas, there was a volley from the guardsmen. I have asserted before, and I assert now, that some of those guardsmen were trigger-happy.

In years past, I have been proud of my membership in the Ohio National Guard. But the fact is that about 12:20 p.m. on Monday afternoon, May 4, the guardsmen had been hurling tear gas canisters toward the students. Some of the boys in the front ranks of the students hurled back the half-filled canisters. The guardsmen had run out of tear gas, and they ran up a little hill and immediately turned; and, as Vice President AGNEW very properly and wisely stated, they overreacted to the crowd on the campus.

They ran back having run out of tear gas. The front rank kneeled, and immediately a volley was fired by the guardsmen. I have signed statements of eye witnesses that they saw a lieutenant raise his hand and bring it down in the gesture known to all soldiers as the command to "Fire." They killed four students, not one of whom had resorted to any violence whatever and seriously wounded 10 others, including a boy who will be paralyzed for life from his waist down.

Mr. President, the murder of students must not be the answer to campus disorders. The events of May 4 at Kent State make it clear that the presence of uniformed, armed police units from outside the campus only inflame emotions and increases the possibilities of violence. The sight of gas masks, guns, and military uniforms can be severely inflammatory. As the Knight newspapers team reported:

An examination of Kent State during the weekend of May 1-4 is a study in escalation—broken windows, burned buildings, and rocks on one side, matched by tear gas, bayonets and bullets on the other.

Some means of containing campus disorders without transforming them into riots is essential if we are not to be faced with the terrifying choice of revolution or repression. Cooperation must replace confrontation. Reason must replace rifles.

At the peace moratorium on November 15, 400,000 persons either marched along Pennsylvania Avenue to the area of the Mall and the Washington Monument or were present during that antiwar demonstration. Throughout that afternoon, there was no violence in the vast area around the Mall and Washington Monument.

I know that there were at least 400,000 men, women, and youngsters, including many mothers with their daughters, who came into Washington that day. I know, because I marched in the parade down Pennsylvania Avenue. I mingled with the crowd. I was on the platform, standing beside Mrs. Coretta King.

The District of Columbia police force deserves a great deal of credit for those successful, nonviolent demonstrations. Their restraint was of tremendous importance. However, the prime factor in the maintenance of calm and order was the presence of large numbers of unarmed student marshals. These student marshals were on the scene to maintain order—not in a repressive way but in a helpful, courteous way. When they gave an order to me, I obeyed it and stepped back or stepped ahead, where they said. To a large extent, they were able to engender a feeling of friendship with the marchers.

Officials of our universities, it seems to me, could learn an important lesson from the Washington, D.C., protest marches. The presence of friendly, unarmed marshals can set a calm, peaceful tone.

A University Security Corps, composed of juniors and seniors representative of and respected by the great majority of students, would be a positive force for campus peace. In many cases, student marshals would have the confidence of young people that police or National Guardsmen would not. Student marshals would bring a greater degree of understanding to a troubled situation on a university campus.

Well-qualified undergraduates would be selected to participate in the University Security Corps. This could be a full credit program toward graduation. Probably, many of those young men participating would, from their experience,

elect to make police work and law enforcement a career.

Police departments have placed increasing emphasis in recent years on recruiting at college campuses. This shows a greater awareness of the need for competent and highly educated law enforcement personnel. This need would be more easily met if students were given more encouragement to consider careers in crime control and prevention.

Of course, the salaries of police recruits should be increased to stimulate further the desire to become a law enforcement officer. The proposed University Security Corps would do much toward stimulating interest in that area.

The time has long passed when the best cop was the toughest cop. The best police officers today are those who know how to think, who have a capacity for understanding, and who place a value on human life.

Mr. President, our police departments, indeed all of society, would benefit from the attraction of intelligent, compassionate young men and women to the work of law enforcement. Our universities would be making a positive step toward reducing campus violence and maintaining order. I urge officials in universities across the Nation to consider this simple but meaningful step toward harmony and reason which I am suggesting today.

Unfortunately, Governor Rhodes called out the Ohio National Guard following rioting of Kent State students on the university campus and riots in the center of the city of Kent throughout much of the night Saturday and Sunday, May 2 and 3.

In particular, he called them out in response to the riots in the center of the city of Kent. That is some distance from the common or the campus at Kent State University.

Throughout much of Saturday night, May 2, and Sunday night, May 3, the students had been downtown, as is their custom, to go into Kent for Saturday night recreation. There were some riots perpetrated by some students. Most, if not all, of those who perpetrated the riots in downtown Kent were arrested and jailed and later fined.

Furthermore, Mr. President, the men who allegedly burned the ROTC building on that Saturday night have been arrested. If they are guilty, I hope they will be punished for malicious destruction of property, as they should be if they are guilty. May I say that I know some lawyer friends of mine in Cleveland, who could not have gone through college, could not have attained their law school degree, except for the ROTC. So I am not defending anyone who on the previous Saturday night burned the ROTC building.

Whether or not the Ohio State Highway Patrol could have contained student disruptions I do not know. I do know, however, that the men of our Ohio State Highway Patrol are older men. They are experienced in law enforcement and have established a fine record in my State. It seems to me that those experienced, civil service employees of the Ohio State Highway Patrol should have been the

first ones to have been called in to assist the local police to maintain order in the city of Kent.

If, however, the Governor felt justified in calling out the National Guard, it is unfortunate that he called to Kent on short notice and without rest the same unit that had been given a hard time in the "wildcat" Teamsters' strike in Cleveland.

Unfortunately, the guardsmen were issued live ammunition to contain student disruption. Why cannot National Guard officers limit guardsmen to the use of tear gas and possibly bird shot.

Those Kent State boys and girls are not assassins or homicidal maniacs. Perhaps those two dozen or so who were arrested by Kent policemen and charged with malicious destruction of property favored violence. The facts are that the overwhelming majority of the 19,000 students at Kent State University were peaceable and had a right to state their dissent regarding the war in Vietnam and our invasion of Cambodia. Certainly, they had the right to do that on the commons on the campus of Kent State University, which was in full operation on that Monday.

Mr. President, I know the facts, because I have taken the signed statements of a number of eyewitnesses. As a lawyer and a former chief criminal prosecuting attorney, I want to know the facts.

I have already telegraphed the President of the United States and received a reply from him. I informed him that if and when he appoints a high level commission to investigate this occurrence, I will turn over to the chairman or to the chief counsel of that commission all of the evidence I have pertaining to the tragedy at Kent State University on early Monday afternoon of May 4.

From noon on Monday May 4, to about 12:22 p.m., a few students threw toward the National Guardsmen some stones. Eyewitnesses stated that perhaps 15 stones were thrown, but that none of them struck the guardsmen with sufficient force to cause an injury.

No National Guardsman on that Monday, May 4, required even first aid treatment. None was bruised to the extent that he necessitated first aid treatment.

Vice President AGNEW was correct in his statement that the National Guard overreacted and that the officer responsible for the volley fired by the National Guardsmen should be charged with murder, but not with murder in the first degree. I concur fully with the statement of our Vice President. Vice President AGNEW was a very able lawyer in Maryland.

As a lawyer and as a former chief criminal prosecuting attorney, I assert that Adjutant General Del Corso, Deputy Adjutant General Canterbury—who was there on the scene—and the lieutenant who gave the order to fire should be charged with murder in the second degree.

Mr. President, I have the statements of some eyewitnesses. Some did not see or hear the order to fire given. However, a number of witnesses saw the lieutenant raise his hand and then lower it in the gesture that those of us who have served in the Armed Forces of our country in

combat recognize as an order to fire. Immediately a volley rang out.

The adjutant general, the deputy adjutant general who was on the scene, and the lieutenant should be charged with murder in the second degree. The adjutant general and the deputy adjutant general should be charged with aiding and abetting in the crime of murder in the second degree.

Of course the National Guardsmen who simply obeyed the orders of their superiors, should not be so charged.

Mr. President, I assert that there is probable cause for a grand jury investigation to determine whether murder was committed on the campus of Kent State University shortly after noon on May 4. And I call upon the recently appointed U.S. attorney for the northern district of Ohio, Robert B. Krupansky, to convene a Federal grand jury in Cleveland to investigate this tragedy and to have the grand jury determine whether these men should be indicted for murder in the second degree. If and when he does that, I shall turn over to him the names and addresses and signed statements of many eyewitnesses to this killing and wounding of students at Kent State University.

The thorough investigation made by reporters of the Akron Beacon-Journal and associate newspapers is convincing that murder was committed at Kent State University.

EXHIBIT 1
THE MEANING
(By Lee Winfrey)

Three weeks ago in Kent, three to five dozen bullets killed four young persons, wounded nine and plunged the nation into the most divisive controversy so far in this decade.

The four students who were slain were unarmed and had harmed no one. The National Guardsmen who shot them were tired and hungry and many had been hit by stones.

While a nation quarreled and chose up sides, more than 400 college campuses closed down and President Nixon set a cutoff date for U.S. warfare in Cambodia, the issue that led to the fatal confrontation at Kent State University on May 4.

Overtones of the affair suggest that the four fatal shots at Kent State may have been part of the first heavy volley fired by a nation now at war with its young.

Obviously, violent protest is no longer a monopoly of traditionally liberal universities like the University of California at Berkeley, Wisconsin and Harvard. The mood of young rebellion now runs so deep that it convulses even conservative campuses.

The killings at Kent State could have happened anywhere. The gulf between the generations seems to have spread so wide that there is now room for violence almost anywhere.

An examination of Kent State during the weekend of May 1-4 is a study in escalation—broken windows, burned buildings, and rocks on one side, matched by tear gas, bayonets and bullets on the other.

There were special ingredients in the mix at Kent, notably a governor who reacted to confrontation with heat instead of light.

But most of the ingredients are widespread in America:

Hundreds of students deeply resentful of the Indochinese war.

A well-meaning university administration which seems aloof to many of its charges.

A townful of small businessmen who are suspicious of beards and easily frightened by rumors.

A handful of young radicals who have given up on peaceful dissent.

Add to this a National Guard ill-led and ill-equipped to cope with a young unruly mob, and you have a situation in which two boys and two girls are killed, all before they grew old enough to even vote.

A team of Beacon Journal and other Knight Newspapers reporters spent two weeks investigating the case. They interviewed more than 400 students, National Guardsmen, public officials and townspeople, examined photographs and studies official reports.

The evidence they found prompts these conclusions:

The four victims did nothing that justified their deaths. They threw no rocks nor were they politically radical.

No sniper fired at the National Guard. No investigative agency has yet found any evidence sufficient to support such a theory.

The Guardsmen fired without orders to do so. Some aimed deliberately at students; others fired in panic or in follow-the-leader style.

It was not necessary to kill or wound any students. The Guardsmen had several other options which they did not exercise, including firing warning shots or marching safely away.

There is no evidence to support suggestions by university and city officials that four members of the Students for a Democratic Society (SDS) planned and directed the trouble.

No reasonable excuse could be found for three violent and illegal acts by the students—breaking downtown store windows, burning the university ROTC building and throwing rocks at the Guardsmen before the shooting. All these created turmoil and ill feeling.

The prime and immediate cause of the trouble was President Nixon's decision to invade Cambodia. Kent State, a basically conservative campus, has not generally been violent in the past.

Kent State University is little-known but large, a complex of 19,000 students who live and study in 97 buildings, most of them sturdy yellow brick structures set on a succession of gently rolling hills.

Eighty-five pct. of the student body is from Ohio. They are the sons and daughters of the Silent Majority, reared in basic virtues in one of America's most conservative states.

Until the year that Richard Nixon was elected President, the noisiest thing that had happened at Kent State was a big panty raid in 1958. It was November 1968 before the turbulence that already afflicted most of the country came to Kent State, a campus normally so placid that little squirrels run unafraid across its streets.

The police department of Oakland, Cal., already locked in bitter battle with the Black Panther Party there, came to Kent State to recruit in the Fall of 1968. About 150 members of the Kent State SDS and about 100 members of the Black United Students staged a sit-in in the lobby of the student activities center to protest.

The university reacted sharply, taking pictures of the demonstrators and threatening to charge them with disorderly conduct. About half the school's black students walked off the campus in protest. They stayed gone three days, until University President Robert I. White said there was "insufficient evidence" to bring any charges.

SDS hailed White's decision as a victory. But when it staged its next big demonstration in April 1969, the outcome was much different.

SDS went to bat for a set of demands including abolition of ROTC. It got into a scuffle with campus police and then, later, led 58 students who were arrested at the Music and Speech Building. The university said they

seized the building. The demonstrators said they were locked in.

As a result, SDS was banned from the campus and four of its leaders—Rick Erickson, Howie Emmer, Colin Neiburger and Jeff Powell—were sentenced to six months each for assault and battery.

The fallout from these two protests, particularly the confrontation with SDS, still hung over the campus this Spring. The university was watching keenly for any resurgence of SDS-type radicalism. Student radicals and liberals felt closely watched and unsympathetically judged.

Then came the first day of May.

FRIDAY, MAY 1

At 7 a.m. Friday, Steve Sharoff and a half-dozen friends were already at work on the politics of protest, galvanized by President Nixon's announcement the previous night that he was sending troops into Cambodia.

Sharoff is a graduate student in history, the son of the retired police chief of Monticello, N.Y. He is a tall, energetic young man with a Custer mustache and a belief that the American political system needs fundamental change.

A friend of Sharoff's, another history graduate student named Chris Plant, came up with the idea that began Kent State's weekend of protest. Plant suggested that they bury a copy of the U.S. Constitution on the commons, a broad open patch of lawn at the center of the Kent State campus.

Plant made up a name for the organization—World Historians Opposed to Racism and Exploitation, an organization they called WHORE. They drew up a pamphlet calling for a meeting on the commons at noon, and at 7 a.m. they were out distributing them.

About 500 students showed up. Plant called Nixon an outlaw. Sharoff said the ROTC was an arm of the military. Another history graduate student, Jim Geary, who won the Silver Star in Vietnam with the 101st Airborne, burned his discharge papers.

They took a copy of the Constitution that a girl friend had torn out of a sixth-grade textbook, said Sharoff, and buried it in a hole about six inches deep. "We inter the Constitution because it has been murdered by the chief executive of the United States," said Plant.

The rally broke up peacefully. There was no indication that gathering in the same place 72 hours later would end in gunfire and blood.

About 3 p.m., another rally was held on the commons, this one by the Black United Students (BUS), who had staged Kent State's first radical demonstration when they opposed Oakland police recruiting 18 months before. White watched the black students' meeting closely.

BUS had most recently troubled President White on March 30, when its newspaper Black Watch had demanded, "End all forms of mental mistreatment of black minds. This calls for the firing or if need be killing of all racist deans, professors, coaches or university presidents."

Nixon's speech also bothered White. When he first heard about it, he said he thought, "Well, here we go." Now he was watching to see if it would be safe for him to go to Iowa City, Iowa, for a meeting of the American College Testing Program (ACT), of which he is chairman.

The black meeting reassured him. "Only 47 blacks appeared," he said, "no more than 20 radicals." After a few last-minute phone calls, White caught a plane to Iowa at 5:30 p.m. Friday. Before he got back, the governor of Ohio had taken away control of his campus.

Friday night, the scene of attention shifted to downtown Kent, to an area on N. Water st. called "The Strip." There is a string of six bars, with names like the Ron-de-Vou

and Big Daddy's and The Kove, where the college kids go to drink beer and non-students come in from surrounding towns to try to pickup on the co-eds. Weekends are always noisy on The Strip.

Chaz Madonio, the bass player at Big Daddy's, said it all started casually. "It was so hot inside," he said, "the people came outside for fresh air. When they saw the crowd (gathering outside), they decided to stay. When the crowd swelled, they started to get brave."

Steve Sharoff said he was sitting in Seaver's, the hippie bar, having a beer when "I heard a crash and a guy came in and said, 'Guys are throwing bottles out there.' I said 'Wow, that's pretty far out.'"

Roman Tymchyshyn, a graduate art student, said he was on The Strip about 11:15 p.m. when "I saw people spilling into the street and they closed it off. They were dancing in the streets and shouting 'Agnew' and '1-2-3-4, we don't want your war.'"

Patrolman Robert Defuiter of the Kent Police Department said that between 11:27 and 11:41 p.m. he watched young demonstrators, shouting, "Get out of town, pigs!" bombard two police cars with bottles, glasses and beer pitchers.

"They put three cars across the street in front of J.B.'s (a tavern) and blocked off the street," Defuiter said. "They dragged wood and paper and trash out from behind the buildings and built a bonfire in the street."

After about 20 policemen arrived at the scene soon after midnight dressed in full riot gear, the demonstrators, both students and non-students, started breaking windows. The police had done nothing to provoke them and no police brutality was involved.

At 1:07 a.m., Kent Mayor Leroy M. Satrom arrived. He ordered the bars closed and placed the city under curfew. When officers arrested a demonstrator and had nobody free to take him to the station, the mayor was pressed into police service.

"The mayor and the safety director took the prisoner in," said Kent patrolman Tony Filomena. "The mayor asked how to turn the siren on and I showed him how. He went off with the siren blowing and I yelled after him, 'Turn your red light on!'"

Demonstrators took a lawnspreeder from the Getz Hardware Store, and threw it through the window of the Portage County National Bank. It was the first of more than 50 windows they broke in 15 business places.

A crowd of about 500 hurled rocks and bottles at police and sheriff's deputies, injuring five. Police herded them back to the campus four blocks away and there used tear gas to break them up.

The whole ruckus didn't end until past 2 a.m. It was the worst downtown disturbance in the history of Kent.

SATURDAY, MAY 2

Today a great fear afflicts Middle America. Over cities and town lies a gloomy belief that almost anything can happen, and that when it does, it will probably be bad. The events of the past few years have sunk many of us in pessimism.

So it would be comparatively easy now to look back and say that Kent panicked in the face of a little window breaking. Except that Saturday morning nobody knew what awful things might follow downtown, and all the signs looked bad.

First, there were the threats.

Ervin Hoefler is a mustached, slender, middle-aged man who runs the Music Mart. About 3 p.m. Saturday, he said, a short bearded man wearing Ben Franklin spectacles came in his store and warned him, "I'd advise you to put an anti-war sign up in your window or you might get burned out tonight."

Second, there were the rumors.

Mayor Satrom said he received two especially disturbing reports: "Weathermen observed on campus and positively identified, and evidence of weapons on campus."

He said these two things, plus the downtown damage Friday night and the threats to merchants Saturday, led him to call for the National Guard late Saturday. Neither of the reports from the campus was worth much, Knight Newspapers subsequently learned.

To paraphrase Voltaire's remark about God, if Weatherman did not exist, it would have to be invented.

Weatherman, the most militant wing of the SDS, seems to have become a kind of policeman's shorthand for anyone who is bearded, surly and inclined toward violence.

As Kent Police Chief Roy Thompson said, "guys with red beards that we've never seen before, call 'em Weathermen or whatever you want to call 'em."

Asked about Satrom's report of Weathermen seen at Kent State, Campus Police Chief Donald L. Schwartzmiller said:

"As far as us seeing them, no. As far as us being able to identify them as Weathermen, no. Weathermen to us right now is faceless."

As for Satrom's report of guns on campus, Schwartzmiller said he could recall evidence of only two weapons: A hole shot in the windshield of a police car two weeks before the downtown riot, apparently by a pellet gun, and a male student who threatened his wife with a .22 rifle.

But in the atmosphere of Kent on Saturday, skepticism about scare stories seems to have been a luxury that no one could afford. Responding to Mayor Satrom's call, the National Guard began arriving in Kent shortly after 7 p.m.

University officials were not consulted beforehand. It was the first of three major occasions on which the university administration was brushed aside by outside officials in their rush to restore order.

However, the National Guard's right to move onto the state-owned campus at Kent was clearly understood by university officials.

An 8 p.m. curfew clamped on downtown by Mayor Satrom confined all students to the campus Saturday night. Fears of violence, said Kent State senior and Beacon Journal reporter Jeff Sallot, were a "self-fulfilling prophecy. If it hadn't have been for the curfew, I think everyone would have gone his own way. As it was, they started crowding up on campus."

Originally, said Sallot, the crowd that started gathering Saturday night talked about marching downtown to test the curfew. Then talk turned toward the ROTC building at the edge of the commons.

ROTC at Kent State is a child of the cold war, begun in 1947. Col. Arthur W. Dodson, who commands the program, said there are currently 173 cadets in the program, which is entirely voluntary. The Kent State ROTC produced 46 Army second lieutenants last year.

ROTC at Kent State was housed in a creaky old barracks with peeling paint. Although no one is forced to take the program, the ROTC building still seemed a convenient target. To quote Frank Friscina, the student body president who opposed its burning, "It's symbolic, it represents something. And it's small, wooden, convenient and nobody in it at night."

When Tom Willison, a plainclothes detective for the campus police, got down to the ROTC building about 8 p.m. Saturday, he said a crowd of 500 to 700 students had already gathered on the commons.

It began slowly, he said, with students throwing rocks at the building, then pitching a railroad flare which failed to ignite it. "A guy ran up to a broken window and tried to light the curtains with a paper match," he said, "but it didn't take."

"Then," said Willison, "a guy ran up with a piece of paper and lit the curtains and they caught on fire this time. It started to flare up, then simmered down and smoldered."

Finally, said Willison, someone soaked a rag in the gas tank of a parked motorcycle "and they lit the rag and put this on the curtains and got it going good. The fire started burning up the wall."

Only one student in the crowd opposed the burning, said Willison. The youth screamed "You f—ers have got no right to do this!" But, said Willison, "they booed and jeered him."

A faculty marshal, on hand to try to keep order, took him protectively away.

A truck rolled up from the Kent Fire Department. But students seized the fire hose, stabbed holes in it and then chopped it off with a machete. When firemen unrolled another hose, said Willison, "One guy grabbed the fireman around the arms so he couldn't move. Another guy grabbed the hose and dragged it out along the sidewalk."

The riot squad of the campus police force arrived then, 18 men in gas masks wearing helmets and carrying batons. The students shouted "Pigs! Pigs!" and somebody threw a big firecracker right into the middle of their ranks. "Then the kids starting throwing rocks like mad," said Willison, "really petting 'em."

"The firemen got the fire almost out," said Willison. "But they were shook, apparently, and didn't go into the building and get it properly out. They loaded up their hoses and got out."

When two fire trucks returned later, the blaze was out of control. The ROTC building burned down to a heap of blackened rubble, the loss estimated by Col. Dodson at \$50,000 for the building and \$35,000 for the equipment inside.

The riot squad fired tear gas. The National Guard came marching in, their first appearance on campus. The turmoil went on until almost midnight.

SUNDAY, MAY 3

The heartbreaking thing about student demonstrations is that different generations look at them differently. Each feels driven to the point of rage by a different irritant.

Student violence grows, Steve Sharoff believes, "out of a basic sense of futility and frustration about what's happening in this country, the war particularly."

Offering his explanation for violence, Sharoff said, "A lot of people feel that blacks sat quietly in the back of the bus for years. Then they started burning and thrashing and people looked around and said, 'Wow, these people have a problem. We better do something about it.'"

Kent Police Sgt. Joseph Myers takes the opposite view. Discussing the window-breaking downtown Friday night, he said, "The only thing we could hear was, 'Kill the pigs.' I can't see any relationship between destroying property and ending the war."

When Gov. Rhodes showed up in Kent Sunday morning, he was in an angry mood. In a meeting with university and local officials, Rhodes changed the mission of the Guard from one of protecting lives and property to one of breaking up any assembly on campus, peaceful or otherwise. Pounding his fist repeatedly, he later told a press conference, among other things:

"We're going to employ every force of law that we have under our authority . . . We are going to employ every weapon possible.

"The same group that we're dealing with here today—and there are three or four of them—they only have one thing in mind and that is to destroy higher education in Ohio.

"You cannot continue to set fires to buildings that are worth \$5 and \$10 million . . .

"No one is safe in Portage County. It's just that simple—no one is safe.

"There is no place off limits. There is no sanctuary and we are going to disperse crowds; we are going to help the mayor enforce the curfew.

"These people just move from one campus to the other and terrorize a community. They're worse than the brown shirts and the Communist element and also the night riders in the vigilantes. They're the worst type of people that we harbor in America.

"I think that we are up against the strongest, well-trained militant group that has ever assembled in America.

"We are going to eradicate the problem—we're not going to treat the symptoms.

"There is no sanctuary for these people to burn buildings down . . . It's over with in Ohio."

It was impossible to learn what was going on in Gov. Rhodes' mind at this time. Of all the state, city, county and university officials involved in the Kent State case, he was the only one who refused to talk with Knight Newspapers.

But inaccuracies mar his remarks. No building worth anything near \$5 million was ignited, for example, and his reference to the "strongest militant group ever assembled in America" is clearly a gross exaggeration.

Rhodes' reference to "three or four" agitators indicates that he was fed the most widely believed myth of the Kent State case—that the whole thing was caused by the four SDS members who were jailed last year after the demonstrations that led to the banning of SDS at Kent State.

Many observers were struck by the fact that the four were released from jail only two days before the first trouble began on Friday. Robert C. Dix, for example, president of the Kent State University Board of Trustees, believes they planned the whole thing in jail.

It would have been hard for them to get any plans out. Portage County jailer W. M. "Pete" Cooper said they were permitted visits only by members of their immediate families, and then for only 15 minutes at a time twice a week.

From the time that Cooper turned the four loose at 12:15 p.m. Wednesday, April 29, Knight Newspapers could find only one man—Police Sgt. Myers—who saw any of the four downtown. Schwartzmiller said none was seen on campus; Willison saw none at the ROTC fire.

Contacted by phone in Akron, Rick Erickson, one of the SDS four, told Knight Newspapers that Sgt. Myers was correct, that he was downtown on N. Water st. Friday night.

"I went downtown Friday evening, it must have been around 10, for a beer at Seaver's," said Erickson, who is the son of a former mayor of Akron.

He said he left as soon as he was told that "police were hassling people. I wasn't down there for more than two minutes." He said he left Kent about 10:30 p.m. Friday and never went back.

"I had nothing to do with it," Erickson said, denying any part in the weekend of trouble. "I don't have anything to hide. I don't care how many insinuations they make.

"What they're going to try to do," he predicted, "is try to go out and find some scapegoat, and constantly neglect the conditions that give rise to it (the disturbances)." He said he has quit the SDS and has no plans to return to Kent.

No charges have been brought against any of the SDS four since their release from jail.

Steve Sharoff is among the radicals who say, "Student are niggers now," meaning that the white middle class does not want to listen to their complaints and will support almost any repressive measures used against them.

From the way the country is moving, it seems possible that the student rebellion in the 1970s may parallel the black rebellion in

the 1960s. In each case, the same three basic questions are asked:

What do they want?

Why do they destroy property and burn buildings?

Are they Communist-led?

The answers seem to be:

The students want an end to the Indo-Chinese war.

They wreck property to express outrage and attract remedial attention.

And at Kent State, at least, where the SDS was banned a year ago, they seemed to move as an unled mob.

Against this background, the efforts of many in Kent to pin the rap for the whole business on four young men seems wholly understandable and human. The alternative is so much harder: Realizing that hundreds of students at Kent State are now worked up enough to demonstrate in the face of tear gas and throw rocks at Guardsmen with rifles.

To Portage County Prosecutor Ronald J. Kane, the immediate solution on Sunday seemed simple and clear: Close the whole university until things quieted down. In hindsight it is hard to question his judgment: Obviously four more people would be alive today if that had been done.

Rhodes refused, said Kane, the governor telling the prosecutor that closing the school "would be playing into the hands of the SDS and the Weathermen." Rhodes named no names.

So Kane waited until Monday afternoon, until after the shooting, before he went to Common Pleas Judge Albert H. Caris and got an injunction closing the school. Again, university officials were not consulted beforehand.

On the campus, reaction to Rhodes' outburst of tough talk ranged from shock to ridicule.

"Rhodes was hilarious to students," said Bernard Jerman, a radical English professor. "Everyone knew it was political," said Lloyd Agte, a teaching fellow in English. Rhodes was currently running for the U.S. Senate, an election he lost by about 4,000 votes the day after the shooting.

Cynical amusement was the reaction of many. Said Marvin Holsley, a black osciology instructor: "Man, they're always talking about those 'outside agitators.'" I think I'll become an outside agitator myself, and see the world. Those cats are everywhere—Rome, Paris, Toronto, Washington . . ."

But downtown, the mood was different. A worried, fearful temper overlay Kent. John Solem was caught in the middle.

Solem is 65, a mild man with two jeweler's loupes secured onto the right wing of his eyeglasses. He runs Solem's Jewelers and tries to get along with everybody.

When Ervine Hoefler came over from the Music Mart next door on Saturday and told Solem he had been threatened by a Peacenik, Solem put two signs in his window, one saying "Peace," and the other, "Get Out of Vietnam."

Hoefler, a shrewd man, took his peace sign down early Sunday when the coast looked clear. Solem made the mistake of leaving his up until the townspeople started coming home from church and saw them.

His phone started ringing off the wall with critics, including one who identified himself only as "a concerned citizen." So Solem made a special trip downtown Sunday to remove the offending signs.

Now he doesn't know quite what to do, since he lives among the townspeople and makes most of his living by selling jewelry to students. "Sometimes," he said bleakly, "it seems you have to kiss everyone's prat to stay in business."

Despite the shootings, Kent businessmen generally supported the National Guard. Lawyer Guy M. Showalter was among the most vehement:

"We feel that the Guard did exactly what they were sent in to do. To keep law and order. Frankly, if I'd been faced with the same situation and had a submachine gun, there would not have been 14 shot, there probably would have been 140 of them dead and that's what they need."

President White, returning from Iowa, met Gov. Rhodes briefly at the airport Sunday as Rhodes departed. White said Rhodes told him, "You're being besieged by—I've forgotten the word he used, floaters, maybe—from every campus in the state. Whatever you do, try to keep the campus open." Then Rhodes flew away, not to return or offer further advice.

Rhodes had perhaps picked up on the repeated statements from university officials and city officials that many suspicious strangers were hanging around.

Robert E. Matson, for example, who is Kent State's vice president for student affairs, said, "I am convinced that the demonstrations were a result of individuals who came here with destruction of property in mind." Asked why he believed that, Matson mentioned a newspaper column which said SDS had picked Kent State as a "target."

There is no doubt that there were many strangers in town for the action. Even Ellen Mann, 18, of Munroe Falls, a Kent State University high school senior who sympathizes with the students said:

"There were so many freaks that I've never seen before. When you go around a college that has a very small amount of hippie types, you get to know all of them by sight at least. Whereas some of the kids I saw on campus that day (the day of the shooting) I'd never seen before in my life."

Sunday night the action began again, at Prentice Gate on the corner of the campus where E. Main st. leads off toward downtown.

About 200 students sat down in the street there, backed by about 500 others on the campus behind them. They had several demands they wanted to make, notably the withdrawal of the National Guard, a lifting of the curfew and amnesty for students who had been arrested.

The students sang "Give Peace a Chance," while a military helicopter with a searchlight circled overhead. They said they wanted to talk with President White and-or Mayor Satrom. Later many were to claim that they had been promised this.

What happened, said Sgt. Myers of the Kent police, was that "around 11 or a few minutes after, a (National Guard) colonel came up and advised the people that the town was under curfew and they were in violation of it. He had his men move out and clear them away."

Myers said he had notified the mayor of the students' request and that the mayor was on his way to the scene when the crowd was dispersed. "It was the Guard's decision to move," said Myers.

Asked why he did not go down to Prentice Gate, President White said, "I didn't know about that." Apparently word was not relayed to him.

White's principal trouble-shooter in such matters, Vice President Matson, said he turned down a request to go down to Prentice Gate for two reasons: "They (the sit-downers) were in violation of the curfew and any negotiations would have been under duress."

Maj. Arthur E. Wallach, commander of all Guard forces Sunday night, said neither he nor any of his men "negotiated" with the demonstrators or promised to contact White.

"The only thing the men told them was to get back off the street and go back to the dormitories," Wallach said.

Knight Newspapers was unable to locate and interview the student who did most of the talking for the demonstrators.

But after the Guard had cleared the scene with tear gas, a move that was met with

rocks from the demonstrators, apparently many students were left with the feeling that they had been double-crossed. "A lot of the kids felt then 'You can't trust the pigs,'" said Lloyd Agte.

The first two student injuries occurred on this Sunday night—Helen Opaskar, 21, of Cleveland, and Joell Richardson, 19, of Sterling, N.Y., both pricked by Guardsmen's bayonets.

MONDAY, MAY 4

After three days of violent aggravation, all the elements were now ready for fatal violence on Monday:

Students angry about war outside the campus and soldiers upon it.

Wary Guardsmen under orders from Rhodes to disperse even peaceful gatherings.

A university administration whose control over its campus had passed to other hands.

A townful of worried angry businessmen who wanted peace restored quickly.

A collection of public officials responding to the public's mood with strident talks.

One should hesitate before singling out any villain at Kent State. One sees a hurtling train of excesses, but it's hard to see the engineer.

The seeds of a Kent State are in every college community where militance has replaced reason, where hate has replaced sympathy, where suspicion has eaten away trust. The Kent State killings could have happened almost anywhere.

Death could come to almost anyone in such circumstances, too. Should these four young people have died?

Sandra Lee Scheuer, 20, of Youngstown, was a junior majoring in speech therapy. She lived in a two-story green house a block and a half from the campus where her room was always neat, her bed always made.

She drank hardly at all, an occasional wine or maybe a couple of beers. She had smoked marijuana a couple of times, but never really wanted to get stoned because she didn't want to become dependent on anything.

On Friday night, when the kids were breaking windows on Water st., she was at the Moon-Glo roller rink. On Saturday night when the ROTC building burned, she was studying for an exam. On Sunday night when students sat down in the street, she was in her living room.

On Monday, she had just left a speech therapy patient, a boy with a lip that she was trying to help. She was walking across the parking lot trying to get away from the turmoil when a bullet hit her in the neck and cut her windpipe in two.

Jeffrey Glenn Miller, 20, of Plainview, N.Y., a psychology major, transferred to Kent State in January from Michigan State. He didn't study much and he cut classes a lot.

He liked to swim in the pool in front of the house where he lived with five other young men. He liked to listen to the Grateful Dead, a rock music group, and three weeks before his death he borrowed a set of drums and began trying to learn to play.

Friday night he stayed home. Saturday night he went over to see the ROTC fire after it started. Sunday night he sat down with the crowd at Prentice Gate.

Monday he was watching when a bullet hit him in the mouth. He had thrown no rocks.

Allison Krause, a freshman from Pittsburgh, was 19 years old the day Nixon made his Cambodia speech. She was a tall, pretty brunette, who wore neither makeup nor a brassiere, and seldom wore a dress, preferring blue jean bell bottoms like those of her boyfriend, Barry Levine.

Last Oct. 15, Moratorium Day, she collected money for the anti-war movement and helped carry a banner in a street parade. Last Nov. 15, she went to Washington with her boyfriend for the mammoth moratorium march there.

She played her part in the system, too: Serving on the disciplinary Board of Metcalf Dormitory and on the policy board of the Honors College. On Sunday she walked up to a National Guardsman, put a blossom in his gun barrel and told him, "Flowers are better than bullets."

Monday she was far out of rock-throwing distance, in the middle of the parking lot not far from Sandy Scheuer, when a bullet hit her in the shoulder and stopped in her chest.

William Knox Schroeder, 19, of Lorain, a sophomore majoring psychology, transferred to Kent State last fall from the Colorado School of Mines. He studied a lot and had an excellent grade average. He had no special girlfriend and belonged to no organizations, radical or otherwise.

A stranger might have thought he looked radical: At the moment of his death he was wearing orange corduroy pants, brown cowboy boots and a blue denim jacket.

It seems unlikely he was throwing any rocks. He was attending Kent State on a ROTC scholarship that paid his full tuition and fees plus \$50 a month.

He was shot in the chest. Just the night before he had phoned his parents to tell them he was not one of the protesters.

Asked what might have prevented these deaths, figures on the scene put forth a variety of thoughts.

President White, who would have preferred that the Ohio Highway Patrol had been called instead of the National Guard, thinks that maybe new crowd control measures are needed—"Perhaps water cannon like they use in West Berlin, or some special unit like the Paris riot police."

Schwartzmiller of the campus police believes that "the back of this could have been broken" if the Guard had arrested everyone at the Sunday night sit-down. "That was the hard core," he said.

Frank Friscina, the student body president, believes that "the mistake—I don't know who made it—was the decision to prevent assemblies, even student assemblies. Had the Guard been guarding buildings instead of chasing crowds, we wouldn't have had the shootings."

The order to break up even peaceful assemblies was given by Rhodes. But he isn't talking about it now. He went into seclusion after the shooting and hasn't seen any newsmen since.

The leadership of the Ohio National Guard, notably Adjutant General Sylvester T. Del Corso, has made an extensive effort to find evidence of a sniper.

Probably there is no magic remedy, no easy solution that will wipe out campus demonstrations soon. In the words of Vice President Matson, a conservative man deeply opposed to all radicalism:

"The potential for trouble exists as long as the Indochinese war goes on."

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. SPONG) laid before the Senate a message from the President of the United States submitting the nomination of Dwight Dickinson, of Rhode Island, a Foreign Service officer of class No. 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Repub-

lic of Togo, which was referred to the Committee on Foreign Relations.

THE FEDERAL ECONOMY

Mr. PERCY. Mr. President, this Government is currently engaged in the very painful task of bringing more than 4 years of ruinous inflation to an effective conclusion. It need hardly be said again that this inflation, that has proven so difficult to control, was engendered by large Federal budget deficits when the economy was approaching its productive capacity. If effective and timely steps had been taken to prevent the budget deficits from rising to \$9 billion in fiscal 1967 and \$25 billion in fiscal 1968, I am convinced we would not be now facing this very uncomfortable period in our economy.

Unfortunately, revised estimates of the fiscal 1970 and 1971 budgets recently released by the administration indicate we may once again be sliding into a dangerous deficit position with most serious consequences for our progress toward economic stability. The fiscal 1970 budget is now estimated to have a deficit of nearly \$2 billion, compared to a surplus of about \$6 billion forecast in April of last year. This large shift is due in small part to a decline in revenues resulting from the current economic slowdown, and this is not to be deplored but expected. However, it is a rise in estimated Federal outlays that produced most of the change. Outlays that were estimated to be \$193 billion a year ago April are now set at more than \$198 billion.

Fiscal year 1970 is nearly over and there is not much we can do about this year's budget. However, the Congress is now considering appropriations legislation for fiscal 1971, and it is during this period that we have the only opportunity to insure that Federal spending does not rise rapidly and dangerously in the coming fiscal year. If we are to effectively prevent a reoccurrence of the substantial budget deficits that fueled our current inflation, we must act now.

The revised budget figures for fiscal 1971 presented by the administration indicate that the \$1.3 billion budget surplus estimated a scant 4 months ago has been revised to a \$1.3 billion budget deficit. This is the deficit on the unified budget basis of accounting for Federal Government receipts and expenditures. I am well aware that the unified budget concept has several significant shortcomings. It is, for example, not the best measure of the direct and immediate impact of the Government's transactions on the Nation's income. For this purpose, the national income accounts budget might be a better measure. And the unified budget does not indicate the full borrowing needs of the Government and its impact on the financial markets and the size of the public debt. Perhaps an accounting along the lines of the old administrative budget would be more useful here, at this critical period of analysis. But since we are now operating primarily on the unified budget basis, I will continue to use this basis in my present comments. The unified budget basis clearly shows that rising budget outlays

are the primary cause of the shift in the estimated 1971 budget from surplus to deficit. And, it further indicates that if Congress does not enact the administration's revenue requests, this deficit will be higher by more than \$3 billion. I personally feel that the fiscal 1971 deficit could run upward of \$6 billion on a unified budget basis and substantially more than this on an administrative budget basis.

Now, I am well aware it has become fashionable in some circles recently to argue that a couple billion dollars change in the net budget position does not mean much in our trillion-dollar economy. And that consequently, we should not be too concerned if the fiscal 1971 budget ends up with a two- or three-billion-dollar deficit. To me, this argument seems analogous to saying that an increase of several hundred thousand in the number of unemployed does not mean much in a labor force of 80 million. But we can all appreciate it does make a great deal of difference to every one of those who are laid off and cannot find employment. By the same reasoning, an increase in the Federal budget deficit, even if a few billion dollars, can mean a great deal to particular important segments of the economy, specifically those families who need more and better housing.

We all know that net sales of Federal debt securities made necessary by budget deficits tend to tighten the money and capital markets and increase interest rates. This in turn reduces the amount of credit at reasonable rates going to other sectors of the economy. The sector most dramatically effected by this process in recent years has been the residential construction industry, which has been proven to be unusually vulnerable to periods of tight money market conditions and rising interest rates.

Recently, new evidence has been found indicating that the connection between Federal budget deficits at high employment and the level of residential construction and financing is much more closely linked than previously realized. Maurice Mann, Assistant Director of the Bureau of the Budget and Arnold Packard, the Bureau's fiscal economist, have argued on the basis of their research that during the last half of the 1960's, "the resources required to provide the growth of the Government sector were diverted from residential construction." They went on to say:

Available evidence indicates that the respective shares of GNP accounted for by the major spending sectors are reasonably stable over time, and that variations in the size of the budget surplus (or deficit) are primarily offset by variations in residential construction.

While it may be debatable whether there is indeed a dollar-for-dollar trade-off between a rising Federal deficit and the decline in the financial resources available for housing, there is certainly a definite link. If we do not provide for substantial budget surpluses in the high employment economy we foresee in the next 5 years, and prevent budget deficits, we will find our chances of achieving our housing objectives rapidly dwindling to zero. Former Budget Director

Charles Schultze emphasized this during my colloquy with him at Joint Economic Subcommittee hearings last week. He said:

Under the conditions likely to prevail in the early part of the 'seventies, and under conditions of high employment, it seems to me it is clearly true that failure to run a significant budget surplus will primarily be reflected in failure to meet the housing goals.

In my opinion, there are fewer more telling arguments for determined efforts to control the Federal budget than this. The fact that 80 percent of all American families today have been priced out of the home construction market and in high-cost Chicago, a family would require an annual income of \$25,000 to finance a new home at existing interest rates, can be directly blamed on Federal budget deficits.

Controlling and cutting the rate at which Federal spending grows is no easy matter. Even if we ignore the vested interest groups that have grown up to protect, defend, and promote nearly every Government spending program, we still must face the fact that the great majority of the Federal budget each year is not controlled and is, in effect, uncontrollable. As one indication, even without the enactment of any new programs or increases in existing ones this year, total Federal outlays would rise automatically \$7 to \$8 billion each year. But however much it may seem that this is the result of unalterable natural forces to which the Government is inevitably vulnerable, this is not true. No, as Shakespeare best expressed it, "The fault * * * is not in our stars, but in ourselves."

The fact is that every bit of uncontrollability in the Federal budget results from past congressional actions, and the way in which we act upon current appropriations legislation. Budget outlay totals rise year after year because we permit them to, by insulating programs by such devices as trust funds, open-ended appropriations and fixed charges from effective regulation during the congressional appropriations process. Moreover, we in Congress do not act upon spending and lending for each fiscal year, but rather on new obligational authority from which spending will eventually flow.

It should go without saying that it is the outlays of the Federal Government—expenditures and net lending—that affect the level and composition of economic activity. Yet Congress does not enact the level of outlays for each program. The staff of the Joint Committee on Reduction of Federal Expenditures estimates that Congress will act upon appropriations legislation this year that will result in only 46 percent of total outlays projected for fiscal 1971. In other words, if Congress refused to enact any appropriations this year, total Federal outlays would be cut by only 46 percent.

But Congress does not have the discretion during the normal budget cycle to refuse to enact all new appropriations. In a number of important instances, Congress is obligated to enact appropriations to fund promises made in previous legislation. These are often referred to

as "fixed charges." They include public assistance grants; veterans' benefits, including pensions, compensation, education, and insurance; farm price support payments; military retired pay and postal operations. Although there are a number of other such fixed charge programs, the few mentioned here total more than \$23 billion, or about one-quarter of those fiscal 1971 outlays upon which Congress acts during the current appropriations process. This reduces the portion of budget outlays which can be said to be controlled by Congress to 36 percent.

If Congress is to play an important role in shaping fiscal policy to achieve price stability and a rational set of priorities, Congress is going to have to reform the way in which it handles the budget. All Government spending emanates from legislation enacted by Congress, but to my mind there is too little attention paid to this fact. One indication of this is that less than half of the annual outlay total receives any review by Congress at all. Another is the significant portion of appropriations each year where Congress really has no choice but to provide funding for prior commitments. Finally, the most important evidence is that Congress devotes all of its attention to appropriations, which affect Government outlays only with a lag.

It is to the appropriations totals for each program that Congress directs its attention. However, most appropriations provide that, while the funds must be obligated during the fiscal year in question, they may be spent over a 3-year period. These 1-year appropriations are most common, but there are other kinds as well. There are multiple-year appropriations where obligations can be incurred for a specified number of years. There are also "no-year" appropriations which are available for obligation and expenditure indefinitely. Thus, at best, Congress affects each year the total amount of spending over a period of uncertain length. The Joint Committee on the Reduction of Federal Expenditures currently estimates that 43 percent of outlays in fiscal 1971 will result from budget authority enacted in this and prior years. The Budget Bureau estimates authority available for spending in future years will total more than \$250 billion.

The only way Congress can play an important role in insuring that the Federal budget does not contribute to inflationary pressures and allows an easing of tight monetary policy is to face the issue of rising Federal expenditures squarely. This requires congressional attention be directed to the outlays that ultimately result from appropriations as well as the appropriations themselves. This requires that Congress investigate in detail the growing majority of total budget outlays that emanate from spending authorizations enacted previously but seldom if ever reviewed. It means we should take a long, hard look at the plethora of trust funds, permanent appropriations, indefinite appropriations, and fixed charges, that normally generate higher Federal spending. In some cases, such as interest pay-

ments on the public debt, appropriations and outlays beyond congressional control are unavoidable. However, I suspect that in many cases the only reason that program outlays are not being effectively reviewed and controlled by Congress is that some special-interest group succeeded in placing its particular pet program beyond such scrutiny and possible reduction.

What I am advocating is a two-pronged attack on the continually rising outlays that have done so much damage to our housing sector. First, a determined effort must be made to bring more of each year's spending under such searching scrutiny and control. Where we can, we must abolish devices that remove Federal spending from effective congressional review and control. The burden of proof should be on those who advocate new trust funds, permanent and indefinite appropriations, and the continuance of old ones. It is ludicrous to inveigh against rising Federal spending on the one hand while effectively placing many programs beyond scrutiny and control on the other. Second, we must examine every appropriations measure and every outlay program with a critical eye, to slice out inefficient and ineffective spending and to eliminate programs that have either outlived their usefulness, or never had any to begin with. I am now in the process of a careful item by item review of the budget and over the next several weeks, I shall attempt to publically identify \$4 to \$5 billion worth of spending in the 1971 Federal budget that does not stand up against the criteria of effectively meeting an overriding national need in an efficient enough manner.

I will not necessarily limit my review to billion dollar items. The French have a saying, "Watch the sous and the francs will take care of themselves."

Questionable items that may save only a few tens of thousand of dollars—a low percentage of our \$200 billion budget—could amount to a very substantial savings when added together.

I am today reversing my position on the supersonic transport and I called for an end to Federal financing of the project.

Last year I gave my support to the development of an American supersonic transport. I am now convinced that I was wrong, and I will vote against it when it comes before the Senate. It is simply a matter of national priorities—putting first things first. In the scale of national needs, it comes in second.

The cost of the SST to the American taxpayer will be tremendous. Present estimates now run as high as \$3 billion but it could go even higher. This monumental expense was originally justified by the fact that marketing the aircraft abroad would improve our balance-of-payments position. But the President's own experts—representing the Treasury Department—on his Ad Hoc Committee to study the SST—have said that production of an American SST could have just the reverse effect—it could actually injure our balance of payments.

The announcement that Government attorneys have uncovered 50 design deficiencies which could justify termina-

tion of the SST contracts for default in performance suggest that cost overruns could substantially increase the \$3 billion in Federal funds now foreseen for the project.

It has likewise been argued that the SST could "enhance our prestige" abroad.

But the President's Council of Economic Advisers, pointing out that we already lag behind foreign production of first generation SST's, has said, "We do not believe that our prestige abroad will be enhanced by a concentration on White elephants * * * Our recommendation, therefore, is that no funds for prototype construction be included in the 1970 budget.

Mr. President, I might add parenthetically that we have a fine production program going in the aircraft industry. The 747 is a real winner, a big moneymaker and a great prestige item across the country. Let us make the bread and butter items and let someone else make the loss leaders if they want national prestige. We could buy all we need from them. That would be of benefit to the American public.

Furthermore, for dubious economic value, we are risking havoc with our environment.

Russell E. Train, Chairman of the White House Council on Environmental Quality has estimated takeoff noise level of the SST at at least four times that of a subsonic jet. But Dr. Richard Garwin, science adviser to Presidents Kennedy, Johnson, and Nixon has put the SST takeoff noise level as high as that of 50 subsonic jets.

Obviously, this craft should not be operated from conventional metropolitan airports. In addition to the takeoff noise, the constant threat of sonic boom makes it infeasible to fly over the continental United States at supersonic speeds.

This is a project that could cost upwards of \$3 billion, to subsidize directly, for the first time, a private aircraft at taxpayers expense.

I do not mean to condemn the American aircraft industry. Several prominent spokesmen, including General Elwood Quesada, former FAA Administrator and now director of American Airlines, have spoken out in opposition to the SST at this time.

But nevertheless, we are being asked to commit ourselves to a \$3 billion project, and in return for that monumental investment, we will have an airplane we are not sure we can perfect; we are not sure we can sell; we are not sure is desired by the air industry in this country; we do not believe can take off from present American airports, and are not certain can even be allowed to fly over it.

That is pretty discouraging from a potential investor's point of view. In this case the investor is the taxpayer, 99⁴/₁₀₀ percent of whom will never fly in an SST.

In fact, the only encouraging note of the whole SST consideration is that the appropriation for the project was almost defeated in the House last week. I hope the Senate will defeat the appropriation, when the matter comes before us. I intend to cast my vote to get us out of the Government-subsidized SST business

now. We have too many other unmet national priorities and domestic needs.

We are now in a time of severe economic pinch, faced with Federal budget deficits and at a point where the priorities for Federal spending must be scrutinized with extreme care. We cannot afford to go blindly ahead with something merely because we started it unless it is soundly conceived and is in accord with the appropriate scheme of Federal priorities.

There are some who would vote against SST funds now who would not want to bury the SST program. Perhaps, the seriousness of the questions raised with respect to it are such that a more searching inquiry is needed. These issues should certainly be fully examined, analyzed and evaluated before substantial additional amounts are appropriated to proceed with the present development schedule of the aircraft.

Perhaps a select committee of the Congress, having representatives from the Aeronautical Sciences and Space Committee, the Commerce Committee, the Committee on the Interior, the Joint Economic Committee, and the Committee on Government Operations, should be formed and authorized to conduct full-scale hearings on the various problems which have been raised. A frank exchange of the facts and the arguments, pro and con, is the only way we can reach a studied and sound judgment as to the future course of the program and the Federal Government's involvement in it. But the program is too dubious to proceed on at this time. We have been asked to approve \$290,000,000 in the fiscal 1971 budget. Less possible cancellation charges of \$70,000,000 the net savings for the year would be \$220,000,000.

SST COSTS AND FINANCING

The total cost of the SST through phase III of the program—research, development, and construction of two prototypes—is now estimated to be \$1.723 billion, of which the Government's share is projected to be \$1.342 billion.

As of the end of fiscal 1970—June 30, 1970—\$708 million will have been appropriated, and \$685 million obligated, and \$604 million spent.

Assuming that Congress approves the administration's appropriations request of \$290 million for fiscal 1971, by June 30, 1971, \$998 million will have been obligated and \$922 million spent.

The administration estimates SST outlays of \$275 million for fiscal 1971. While it would be unrealistic to assume that all of this could be cut from fiscal 1971 spending, a significant portion of it would be saved.

The total costs of the SST, including certification and production, are now estimated to be about \$3 billion, with the Government share \$1.3 billion. However, Dr. Richard Garwin, a science adviser to three Presidents, projected total costs of the SST at \$5 to \$7 billion, with the Government's share up to between \$3 and \$4 billion. And General Quesada, head of FAA during the Eisenhower administration, anticipates the Government's share of the total costs of the program would fall in the \$3 to \$4 billion range. By terminating the SST program at this point,

it is fair to estimate we could save the Government as much as \$2.5 billion.

The SST is just an example. If we can identify programs of dubious merit, low priority or just simple waste of money and overcome the vested interests and just plain inertia that allows low priority spending programs to continue, we can only improve and guarantee progress toward a stable and healthy economy that meets our most vital needs, but we will also restore public confidence in the purpose and dedication of our Nation's Government.

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

Mr. PERCY. I am happy to yield to the distinguished Senator from Wisconsin, my distinguished colleague on the Joint Economic Committee and the Banking and Currency Committee.

Mr. PROXMIRE. Mr. President, I commend the Senator from Illinois on an excellent speech. I think it is time that more Senators addressed themselves to the problems of our economy, problems of inflation, problems of excessive Federal spending, problems of the needs in housing, and to the very explicit and specific analysis of where we can cut spending.

The Senator from Illinois brings to all these subjects certainly among the best qualifications in the Congress of the United States. We all know that he was a brilliantly successful businessman, chairman of the board of a great American corporation which has achieved outstanding success, and is a man with a real understanding of our economy and what makes it function.

I appreciate his stress on attempting to do two things—No. 1, to get a handle on Government spending so that we can reduce the impact of inflation, and, No. 2, although he does not spell it out in quite this way, to provide employment, jobs, by stimulating the housing industry. This is by far the most constructive way we can approach the very serious double problem we have now of increasing inflation while at the same time we have rising unemployment.

I want to congratulate him on an excellent speech and tell him that I certainly enthusiastically welcome his opposition to the SST. It is as fine and as concise an analysis and criticism of the SST as I have heard. The Senator did it in few words and did it very well.

I want to add one or two comments. I think the Senator is going to be most helpful by highlighting the specific areas of the budget we can cut. I call his attention to the fact that the military procurement bill, which I hope is going to be before us in a few weeks, and the military appropriation bill, which will be before us later, are areas where that can be done, because that is where the real money is. As the Senator knows, the controllable items, leaving aside such costs interest on the Nation under the social security payments, which are not controllable or limited. The military area is one area where we can make real cuts. The President deserves credit for pointing out where cuts can be made, but I think we can help him by making further cuts.

And there are social programs which

the Senator from Illinois and I both enthusiastically support, in education, in medicare, in combatting crime, but programs where there has been great waste. We had testimony before the Joint Economic Committee last week by a former high official of the Department of Health, Education, and Welfare, who pointed out that we are not doing the job we should be doing for the poor children of this country, although we are spending and wasting enormous sums under title I of the Education Act. The medicare program has been helping doctors, but not some of our indigent old people who are ill.

I cannot resist commending the Senator from Illinois as a Senator who has more than one arrow in his quiver. He not only is fighting inflation from the standpoint of trying to get Government spending under control, but I do not believe anybody in this body has worked harder for us to adopt free trade policies and recognize that unless we admit products that are efficiently produced from other countries into this country and make them available to American consumers, we are going to have serious inflation for many years.

I thank the Senator for an excellent speech.

Mr. PERCY. I very much appreciate the comments of my distinguished colleague. I would like to say first that I could not have been more pleased to see in the Washington Post this morning the very remarkable comments made by him at a commencement address at Milton College, Milton, Wis. It was so typical of the way I have seen him conduct committee hearings over the past 3½ years, in the Joint Economic Committee as well as the Banking and Currency Committee. He is always tough, always determined, always persistent, but always utterly fair, always courteous to the witnesses, making them feel welcome even though he disagrees with their viewpoint.

For the distinguished Senator, in the midst of a campaign in his own State, with respect to an administration whose popularity on the campus is less than is to be desired, to decry the fact that malicious attacks are being made on the Presidency and President Nixon, is certainly commendable. The Senator said that though he disagrees with what has been done in Cambodia and has been a critic of the administration's policy and certain aspects of his foreign policy, he concluded and reported to these young people that President Nixon is a decent and intelligent man, and he is doing his honest best to end the Vietnam war as quickly as he can.

I would like to concur in that statement and particularly state my admiration once again for the distinguished Senator from Wisconsin for his absolute fairness in the way he handles his relationships and the position which he took.

Mr. President, I ask unanimous consent to have 3 additional minutes.

The PRESIDING OFFICER. The Senator still has approximately 10 minutes.

Mr. PERCY. I thank the Chair. I am very happy to yield to the distinguished Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, I was greatly impressed with the able

address of the distinguished senior Senator from Illinois.

I think it is very important that the Senate begin to focus attention on the severe budgetary problems which our Nation faces. The Senator from Illinois plans to do just this, and I think in doing it he is rendering a very important service.

The Senator from Illinois mentioned one item in the budget as being perhaps not too controllable, and that is interest on the national debt; but I think the interest on the national debt can be controlled if the Congress, and if the Senate, are willing to control expenditures.

That is why the interest on the national debt is so high—because of these continued deficits that the Government has been running over a long period of time.

The interest on the national debt in the budget which Congress is now considering is \$18 billion.

That is an increase of \$4 billion in 4 years; and for that \$18 billion, the people of this country get no programs whatsoever. All they do is pay \$18 billion out in interest charges.

I think the Senator from Illinois is rendering a very important service to the Senate, to Congress, and to the American people in his demand, together with the demand of the able and distinguished Senator from Wisconsin, that the Government put its financial house in order.

In my judgment, the major factor in the severe inflation that we have been experiencing is the continued budget deficits that the Government has been running over a period of time, culminating in that \$25 billion deficit of fiscal 1968, which was not quite 2 years ago.

I submit that we are not going to get inflation under control unless Congress is willing to take the advice of people like the distinguished Senator from Illinois and the distinguished Senator from Wisconsin, and begin to reduce the nonessential spending of our Government.

One of the nonessential items, in my judgment, is the SST program, which the able Senator from Wisconsin has been fighting for several years, a fight in which the able Senator from Illinois is joining today.

It seems to me that in this period of great budgetary stress, in this period of high inflation, in this era of Government deficits—and we are going to have big deficits this year and next year—such items as the SST, which in this budget runs to \$290 million, should be eliminated.

That \$290 million ought not be spent. It ought to be knocked out of this budget, to help to that extent toward bringing about a balanced budget.

The Senator from Illinois mentioned the French saying that if you look after the sou, the franc will take care of itself. I think that is a very apt statement, as quoted here this morning.

This item of \$290 million for the SST will not in itself balance the budget, but I submit that if we begin to tackle items of that type—and this obviously, to my way of thinking, is a nonessential item—we can begin to approach a balanced budget.

In that regard, I might say that I am

very much opposed to this new unified budget concept first begun by President Johnson, ill-advisedly in my opinion, and now continued by President Nixon, ill-advisedly in my opinion.

By lumping the trust funds in with the general fund of the Government, this leading the people to believe that we are somewhere near approaching a balanced budget, when the fact is that we are running a tremendous deficit in the general fund operations of our Government. The only way that it can be contended that the budget is somewhere near in balance is by taking trust funds which are set up for precise and specific purposes, mainly for social security and highways, and lumping those in with the general fund revenues. What the administration is doing is taking surpluses from the trust funds and applying them against the deficits in the general fund.

This is a very bad budgetary practice. I would hope when the President submits his new budget, he would go back to the old form, and keep these trust funds separate.

We must keep the social security funds inviolate. They are vitally important to the older people of our Nation.

It is vitally important that those funds be safeguarded and preserved, so that when our citizens reach retirement age, they will be certain to have those funds for their own use and benefit. They have paid into that fund along with their employers. That is where all the money has come from—from the individual citizen paying his social security taxes, and the company that he works for paying an equal amount.

The Senator from Illinois has focused attention this morning on one of the great problems facing our Nation. I do believe that if the Government will put its financial house in order—which the Senator from Illinois is urging that it do—if we can put our financial house in order here in the city of Washington, here at the seat of the Federal Government, then we can solve some of the other problems which are facing our Nation.

I am convinced, Mr. President, that in the long run, a government cannot be a progressive government unless it is soundly based financially, and that is the point that the distinguished and able Senator from Illinois has made so well on the floor of the Senate today.

Mr. PERCY. I thank my distinguished colleague. I have had the privilege of working together on other matters with the distinguished Senator from Virginia, and I welcome his cooperation in this bipartisan effort.

Over a period of the next few weeks, I shall be taking the floor of the Senate a number of times to point out particular items—boards by which no work is done, where it is strictly a matter of patronage, to get someone on the board and give him a title and an expense account, and there is nothing for him to do; commissions that have been set up where the purpose is no longer valid; abdications of responsibility by Congress itself, where I think we are going to have to point the finger at ourselves; the costs of administration of laws we have passed that can no longer be justified, that just go on and on.

I shall certainly be glad to advise the distinguished Senator from Virginia when I shall be doing this, and I would welcome his going out with me to the reception room afterwards, for I imagine it is going to be filled with lobbyists—because there is a lobby for every one of these special interest groups, and I have a lot of them in my State—and facing the clamor: "Oh, no, cut everyone else's budget, but don't cut our funds." We are going to have a lot of people saying, "You can't cut our funds, cut somewhere else."

But one lobbyist, I think, cannot come here—the lobbyist for the taxpayer, for the individual citizen who wants to build a house, or the small businessman or farmer with rising interest costs. Those lobbyists do not show up. Their special interest groups are not as well organized, I guess. But I imagine we are going to be facing some of them, too, in the future. We must have an accountability to them. I very much welcome the support of the distinguished Senator from Virginia, because of his long years of experience on the Finance Committee and in other areas. He is known as a fiscal conservative, which I think, in the end, is the most humanitarian position one can take, because unless we operate on a fiscally sound basis, we are going to squeeze out the housing industry and other areas, and find that we can fight a war in Southeast Asia, but cannot fight a war on poverty with the pennies that trickle down to the poor when we find we cannot properly fund these programs.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. PERCY. I ask for 3 additional minutes, and yield to the junior Senator from Virginia.

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

Mr. SPONG. Mr. President, I join the Senator from Wisconsin and my colleague from Virginia in commending the remarks of the Senator from Illinois this morning. I have opposed the SST since I have been in the Senate. I am concerned about its yet unknown effects upon our environment, and the tremendous cost in the form of subsidies involved. But I think the Senator from Illinois has put his finger upon our greatest concern and that is, when weighed within the context of the demands of our times, whether this project deserves a high priority. I do not believe it does. I commend the Senator from Illinois for this effort and the others he will make in behalf of fiscal sanity and economy, and I shall join in his effort to defeat the appropriation for the SST.

Mr. PERCY. I thank my distinguished colleague, and I thank also the distinguished Senator from South Carolina for the extra moments I have taken.

THE WOOL TEXTILE INDUSTRY AND FOREIGN IMPORTS

Mr. THURMOND. Mr. President, on Friday, March 20, I brought to the attention of the Senate the fact that Japan has rejected efforts by the United States to negotiate a reasonable agreement on textile imports. After 14 months of

effort by our Government, Japan has apparently admitted that its profit-swollen textile industry dictates Japanese foreign trade policy, and that it will accept no meaningful limitations on imports into the United States of wool and man-made fiber textiles and apparel. This rebuff came from an industry busily expanding its domestic capacity and building new plants throughout the Orient, where low-wage labor is abundant. Since no other major country permits unrestricted growth of Japanese textile and apparel imports, it is clear that this new capacity will feed on our domestic market, adding to our balance-of-payments problems in the process.

Mr. President, we have no alternative but to meet this challenge with appropriate strong legislation, such as the bill I recently introduced in the Senate and Representative MILLS introduced in the House.

My earlier remarks embraced the entire textile complex in this country, because I am convinced that we must have an all-fiber solution to the textile import problem. Last month I spoke on the entire trade relationship between the United States and Japan. Today, however, I want to emphasize the condition of the domestic wool textile industry in order to demonstrate just how cynical and self-serving the Japanese have been. Let me remind Senators that wool is grown in every State of the Union and that there are wool textile mills in 32 States. Woolgrowers and their families alone number a quarter of a million people and, for all practical purposes, there are no customers for their wool other than the U.S. manufacturers. Counting those employed in wool manufacturing directly as well as those whose jobs depend on the wool sector indirectly, it can be estimated conservatively that the livelihoods of a million Americans depend wholly or in large part on the domestic wool industry. Unlike money, machinery, technology, and managers, these people cannot move abroad if the Japanese are permitted to appropriate their jobs.

Mr. President, the essential facts of what has been happening to our wool industry are well known and can be summarized briefly. Following World War II, the industry confronted the painful necessity of adjusting to shifts in consumer preferences, many of which were associated with the advent of manmade fiber textiles. Increased interfiber competition checked the steady growth of domestic wool consumption and forced woolgrowers and manufacturers to undertake costly modernization programs involving both research and heavy capital investment.

In the last decade, these efforts have been severely complicated by inflation and by growing penetration of foreign wool textiles and apparel into our domestic market. The inflation originated in political and economic developments over which the wool industry and its employees had absolutely no control. Moreover, like others, the industry had to adjust to extensive new social legislation which has added significantly to the cost of production.

The United States, of course, has always imported at least small quantities of wool textiles and apparel. In the past, it can be argued, some of these imports supplemented domestic production and broadened the range of styles and qualities available to the American consumer. Since 1960, however, this situation has changed most radically. The wool textiles and apparel flowing into this country in growing volumes now more than ever before are supplanting domestic production and driving our firms out of business, frequently with fabric constructions and styles which originated here in the first place. The bulk of these imports now comes from the Far East, Japan in particular.

How serious has this penetration become? In 1969, imported wool textiles and apparel accounted for over one-quarter of total domestic consumption. As recently as 1961, they had claimed only 13 percent of the domestic market. By the end of 1969, the volume of wool textiles and apparel cascading into the United States from abroad was equal to more than one-third of the total volume of such products being manufactured here.

Mr. President, 142 million yards equivalent of wool textiles and apparel were imported in 1969. Can anyone doubt that economic conditions in our wool industry would have been very different last year had even a good part of these 142 million square yards been manufactured here instead of abroad? As it happens, the Federal Reserve Board index of industrial production in wool textiles fell to a low of 85 in 1969 compared with 100 in 1957-59.

Total imports of wool textiles and apparel more than doubled between 1961 and 1968. While these imports were doubling, production in the United States of woven wool apparel fabrics was declining by 16 percent. Is there a connection between these increasing imports and declining production? The domestic wool growers certainly see it, because they know that the raw wool content of wool textiles and apparel imports rose by 49 million pounds between 1961 and 1968, while the raw wool consumption of our textile mills in the manufacture of apparel fabrics fell by 25 million pounds. Moreover, total employment in woolen and worsted mills dropped by approximately 20 percent. During the same period, the total number of stock sheep and lambs in this country fell 32 percent, and farm income from the sale of wool fell 37 percent. The fact is that imported wool textiles and apparel have absorbed all the growth in the domestic market since 1961 and then some. The impact on certain important product lines, such as worsted fabrics and women's sweaters, has been catastrophic.

The damage inflicted by runaway wool textile import growth is not confined alone to this industry. Imports of wool textiles, apparel, and floor coverings now contribute a deficit of more than \$325 million annually to this country's precarious balance-of-payments situation, and Japan is by far the most serious cause of this trade deficit. It is interest-

ing in this connection that our trade deficit in wool manufactures grew by \$200 million between 1961 and 1968 alone.

Mr. President, part of our problem stems from the fact that the Japanese have for many years focused narrowly on the U.S. market, accepting rigid import quotas in other countries without strong resistance. In 1969, for example, 43 percent of Japan's total exports of wool textiles and apparel was shipped to the United States. Sixty-three percent of her total wool fabric exports in that year was to the United States and consisted mainly of worsteds. This country absorbed 86 percent of Japanese exports of wool apparel in 1968 and 45 percent of her exports of wool sweaters—these percentages, incidentally, are based on data published by the Japanese Spinners Association. They are not based on our U.S. Government or industry figures. Japan evidently feels that our wool industry and its workers should endure the consequences of her ineptitude in negotiating fair access to markets in Europe and elsewhere.

On her side, Japan has not hesitated to utilize every known device for restricting imports of manufactured goods, notwithstanding her fantastic economic growth rate and her staunch free trade posture when it comes to the markets of other countries. The United States, of course, has been pressing Japan for some time to relax her stringent restrictions on imports and foreign investment. On February 13, evidently to deflect mounting criticism, the Government of Japan generously eliminated import restrictions, but not tariffs, on such vital U.S. export items as unrendered pig fat, grape must and grape wine, vermouth, straw mats, straw sack, and used cars. Our Government suggested computers but Japan chose pig fat. What irresistible items will join this mouth-watering list when the next well-publicized round of import liberations is announced?

Mr. President, it is not unlikely, though, that Japan will eventually liberalize her trade policy, possibly sooner than most people expect. I say this because many believe that rigid control over imports is no longer basic to Japan's growth, although it does contribute to high profits for Japanese industries. What is basic to Japan's continued phenomenal growth is a culture and an economic and political system which permits her to maintain permanently an advantage vis-a-vis the United States and other Western democracies in the relationship between productivity and real wages. It is this advantage, this difference in the gap between productivity and real wages, which makes it possible for Japan to underprice everyone else in manufactures.

I repeat, which makes it possible for Japan to underprice everyone else in manufactures.

Mr. President, as you know, productivity has risen rapidly in Japan since World War II, reflecting massive modernization and diversification of the Japanese economy. Operating behind very high trade barriers and enjoying extensive governmental financial support, Japanese industries have been able to build industrial empires employing the latest in productive and managerial

technology. Free access to the U.S. market has enabled them to utilize plants of optimum scale which could not have been justified economically on the strength of domestic markets alone. Real wages, on the other hand, were not permitted to rise as rapidly as productivity. Herein lies the crux of our problem with Japan, because labor is much stronger in this country and secures a fairer share of the benefits flowing from rising productivity. But this puts us in a situation in which the gap between manufacturing productivity in Japan and in the United States is much smaller than is the gap between real wages in the two countries. When a situation of this kind exists and can be maintained politically, the country with the higher ratio of productivity to real wages will command trade unless its cost advantage is offset by trade controls. Anyone who does not believe that this is the crux of our problem needs to ask himself how it is that Japan, with much lower per capita income, manages to invest, relatively speaking, three times as much as the United States.

This is a remarkably effective mechanism for exploiting foreign markets in the interest of Japanese economic expansion and can probably be maintained for many years to come, given the structure of Japanese society. It should be noted, in this connection, that Japanese industries are already taking steps to perpetuate the mechanism and to expand its scope by establishing plants in other Asian countries where wages are even lower than they are in Japan. I call the Senate's attention in this respect to the fact that exports of wool fabrics from Asian interests other than Japan destined for the United States market are already growing rapidly.

Mr. President, in this situation unrestricted trade between the United States and Japan will not work to restore that happy state of trade equilibrium which exists in economic theory but not in the real world. The productivity-real wage rate relationship which lies at the root of our trade problem with Japan could be altered in our favor only by fundamental reductions in our standard of living as compared with that of Japan. This is neither economically feasible nor socially desirable. Consequently, I see no way in which Japan can be prevented from doing further massive damage to our textile industry except to give her a firm choice between meaningful voluntary textile arrangements and legislation. She has to date, unfortunately, rejected the voluntary option. I can only conclude that her leaders believe this Congress lacks the ability to see through the smokescreen of free trade rhetoric and the courage to enact the legislation which the situation demands. However, if these Japanese leaders persist in this attitude, they shall be proved wrong, as the sentiment in this country and in this Congress is to protect the jobs of American textile workers by protecting the American textile industry.

In closing, Mr. President, I want to say that I have just come from a conference at the White House with the President, a number of Senators and Congressmen, and representatives of the textile industry, as well as Cabinet members and ad-

visers to the President, and this matter was forcefully brought to the attention of the President today. He gave it a sympathetic ear. He has the matter under consideration. A member of his Cabinet will testify, I believe on the 18th of this month, as to the course to be followed.

I am very glad that the administration and the President understand the detrimental effects resulting from excessive imports coming into this country from Japan and other foreign nations—but more especially from Japan.

If we are to save American jobs, we must limit excessive imports. It is amazing, the tremendous quantity of imports, including man-made fibers, which have grown to such a spectacular scale within the past 2 years, and how fast the imports are penetrating this country.

Thousands of jobs have been lost in my State of South Carolina and in other States which have textile industries. Textiles affect all the 50 States, which means that the jobs of Americans all over the Nation are affected by this severe problem.

It is hoped that the President will see fit to recommend legislation along this line, which we feel is necessary, even though some type of arrangement or compromise should be brought forth by the Japanese.

It is my personal opinion that the Japanese are not going to reach an effective agreement with our country that will be satisfactory and will protect the textile interests of this Nation.

Not only is the capital end of the textile industry affected, but thousands and thousands of workers are also affected by this matter.

I remind the Senate that one out of every eight industrial workers in America is involved or connected in some way with the textile industry. Think of that figure. One out of every eight. And when imports are coming into this country on such an excessive scale as to close down mills or result in a shortening of hours, it simply means that many American people will suffer.

I hope that we can soon get legislation underway. I hope that action will be taken before too long. And I sincerely hope that this administration will back effective legislation to limit excessive imports from foreign countries.

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

Mr. THURMOND. I yield.

Mr. HANSEN. Mr. President, I commend the distinguished senior Senator from South Carolina for his perceptive and penetrating remarks.

The Senator is expressing the concern which is shared by more and more Senators as time moves along and as each of us has the opportunity to reflect upon the threat to American jobs, the threat to American industry, and the threat to our economy and to our standard of living that is posed by excessive imports.

I have shared the concern of the Senator from South Carolina for some time. American industry is subjected to the unfair competition that arises from the much lower wages that are paid in foreign countries, the much smaller taxes, and the much smaller capital investment

that is required in a foreign country in order to stay in business.

I know some of the problems of which the Senator speaks. I do hope that the Senate will give serious consideration to his very timely message, because it is the only way I know that we can protect American jobs and can protect our economy and be able to maintain the high standard of living of which we are all very proud.

Mr. THURMOND. Mr. President, I thank the able Senator from Wyoming for his very fine remarks. I point out that possibly various Members of the Senate do not really realize how seriously every State is affected. The Western States produce the wool cheaper.

I repeat the statement I made a few moments ago. In 1969, 43 percent of Japan's total exports of wool textiles and apparel was shipped to the United States. 63 percent of her total wool fabric exports in that year was to the United States and consisted mainly of worsteds. This country absorbed 86 percent of Japanese exports of wool apparel in 1968 and 45 percent of her exports of wool sweaters.

When such a condition exists, there is no question in my mind that the wool producers of this Nation cannot stay in business. They cannot survive the competition. The only market that the wool producers of this country have is the textile manufacturers in this country. It is highly important that action be taken and taken soon. Otherwise there will be, as I said a few moments ago, the loss of thousands of American jobs.

Again I thank the distinguished Senator from Wyoming.

RESULTS OF THE CAMBODIAN SANCTUARY OPERATIONS

Mr. HANSEN. Mr. President, I ask unanimous consent that a summary of the results of the Cambodian sanctuary operations as of June 8, 1970, be printed in the RECORD.

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

	Total operations	24-hour change
Individual weapons.....	15,509	1-40
Crew-served weapons.....	2,240	+7
Bunkers/structures destroyed.....	9,118	+218
Machinegun rounds.....	3,751,142	+173,840
Rifle rounds.....	7,883,671	+4,305
Total small arms ammunition (Machinegun and rifle rounds).....	11,634,813	+178,145
Grenades.....	41,392	+212
Mines.....	4,610	(¹)
Miscellaneous explosives (pounds) (Includes satchel charges).....	76,600	(¹)
Anti-aircraft rounds.....	188,319	(¹)
Mortar rounds.....	50,998	+261
Large rocket rounds.....	1,707	+13
Smaller rocket rounds.....	26,976	+20
Recoilless rifle rounds.....	22,781	+2
Rice (pounds).....	12,596,000	+976,000
Man months.....	277,112	+21,472
Vehicles.....	363	+2
Boats.....	90	(¹)
Generators.....	36	(¹)
Radios.....	186	(¹)
Medical supplies (pounds).....	50,800	(¹)
Enemy KIA.....	9,509	+67
POW's (includes detainees).....	1,932	(¹)

¹ Field adjustment.
² Unchanged.

Mr. HANSEN. Mr. President, there have been some reports in the press regarding fluctuations which have been noticed in the statistics provided in these summaries from day to day. For example, the amount of captured small arms ammunition reported on a given day occasionally has been less than what was listed on a previous day.

In response to inquiries, Mr. Jerry Friedheim, Deputy Assistant Secretary of Defense for Public Affairs, explains that statistics reported are tentative figures based on combat reports, and that fluctuations result when duplications or other errors in field reporting are discovered and corrected.

UNEMPLOYMENT RATES

Mr. HANSEN. Mr. President, last Friday my distinguished colleague, the senior Senator from Wisconsin, made mention of the 5-percent unemployment rate announced that morning for the month of May.

To place the matter in some sort of historical perspective, I feel compelled to point out that for the first 4 years of the Kennedy-Johnson administration, unemployment never dropped below 5.2 percent.

Indeed, not until escalation of the war in Vietnam began under President Johnson did unemployment even drop below 5 percent. That was in 1965, when the unemployment rate fell from its 1964 level of 5.2 percent to its 1965 level of 4.5 percent.

A wartime economy, high draft calls, big new Government defense contracts, and Government deficits totaling over \$60 billion in 8 years did indeed push unemployment levels down to 3.8 percent in 1966, 3.8 percent in 1967, 3.6 percent in 1968, and 3.5 percent in 1969.

But whether among people, businesses or governments, bills have a way of falling due. Sixty billion dollars of added debt, and all the other management errors, are now demanding to be recognized.

Does anyone on the other side of the aisle imagine the bill would not ultimately have to be paid?

This year, under President Nixon, the direction of troops has changed; they are coming East across the Pacific, back home to the United States, instead of traveling West across the Pacific, on their way to war, as under President Johnson.

Neither will the Nation face a \$25 billion deficit under President Nixon this year as it did under President Johnson in 1968.

No. the unemployment rate is not the best of all rates but at least we can say honestly that the present 5-percent rate is not an artificially low rate maintained by war, and by a wartime economy. The troops are coming home, draft calls are down, and we are moving toward peace in Indochina.

Mr. President, I ask unanimous consent that a tabulation listing average annual unemployment percentages be printed in the RECORD.

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

Year:	Average annual unemployment Percent
1953	2.9
1954	5.5
1955	4.4
1956	4.1
1957	4.3
1958	6.8
1959	5.5
1960	5.5
1961	6.7
1962	5.5
1963	5.7
1964	5.2
1965	4.5
1966	3.8
1967	3.8
1968	3.6
1969	3.5

ANOTHER TRIBUTE TO THE VICE PRESIDENT

Mr. HANSEN. Mr. President, on May 22, 1970, the Vice President of the United States addressed a dinner in Texas in which he quoted from various newspapers to show that the escalation of rhetoric had not begun with him but with them. He pointed out that the amendment to the Constitution of United States guaranteeing the right of free speech to all its citizens applied just as well to him, the Vice President, as to anyone else. He said that he chose to exercise that right and that he intends to continue doing so. His speech on that occasion was inserted in full in the CONGRESSIONAL RECORD for May 28, 1970, by the distinguished junior Senator from Texas.

On the 26th of May an editorial appeared in the Washington Evening Star titled "AGNEW Unmuzzled," in which that normally temperate newspaper takes the position that the first amendment applies differently to the Vice President who holds responsibility for public office than it does to newspaper editorialists and columnists. It so happens that I agree with this editorial in one sense; the responsibilities of high public office cannot but weigh heavily upon anyone holding such a post, for his public statements can never be divorced from the heavy responsibility he bears. Part of that responsibility, however, involves public defense of the administration of which he is a part. It is apparent the Vice President has decided that in this specific category, as in so many others, the best defense is a good offense.

As a result of the May 26 editorial the Evening Star received a number of letters from its readers and was objective enough to publish them, or a sampling of them. These letters fill an entire double column on the editorial page of the Star for Wednesday, June 3, 1970. Written by citizens in various walks of life, all, without exception, speak up in defense of the Vice President.

Mr. President, I ask unanimous permission that the text of these letters as published be printed in the RECORD.

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

[From the Evening Star, June 3, 1970]
IN DEFENSE OF AGNEW

SIR: With respect to your editorial "Agnew Unmuzzled," and Milton Viorst's column on Vice President Agnew's speech, the

fact remains that the vice president has quite accurately hit the news media where it hurts—biased and prejudicial reporting. This has been apparent for a great many years, but no one has had the courage to speak up on this particular point until now.

The vice president made valid points on certain newspapers and columnists who have for far too long played fast and loose with facts, just so long as it suited their philosophy and ideas. The vice president has never asked that the news media be "muzzled" or "censored." Nor has he in any way intimidated the news media. He has asked for accurate and responsible reporting of the news. Personally, I want to hear the viewpoints expressed by "conservative" element of this country—I want a little less of the viewpoints slanted towards the "liberal" element. I want to be able to pick up a newspaper, or look at a televised "news" program and hear "the other side of the story." We are very definitely not getting this now.

I hope that the vice president continues to speak out. Apparently his is the only voice strong enough to be heard and reported. Certainly, the "silent majority" have never had a more eloquent or effective spokesman than this most courageous gentleman.

ROSALIND FRENA.

SIR: I did not like your "Agnew Unmuzzled" editorial. Not quite to the extent of cancelling my subscription; but a few more unfunny editorials like that and I'll manage to get along without it.

WILLIAM N. RAMSEY.

VIENNA, VA.

SIR: This is not intended as a defense of Vice President Agnew, he is well qualified and has proven his ability to do this himself. A former vice president stated: "What this country needs is a good 5c cigar." I say, what this country needs is more Agnews.

Your editorial was typical of the news media's way of trying to justify their position. You accused the vice president of arousing tempers, fears and creating hate without helping people to understand the forces that are dividing the country. The general public knows who the real hate-mongers are. Some of them are syndicated writers on your own paper. To name a few, Mary McGrory, Carl T. Rowan, Fritchey and Viorst. To the credit of Vice President Agnew, he is doing a good job of offering an antidote, which is having its effects, thank God.

The attitudes of some writers for the press and TV commentators compel me to believe that Vice President Agnew's criticism has a lot of merit. To conclude, the "Free Press" under present conditions makes cold chills run down my spine.

RAY DEANER.

SILVER SPRING, Md.

SIR: Your editorial reminded me of a person who got caught doing something wrong and screamed "foul" when he got caught.

We should thank the Almighty that we have such a courageous vice president who will risk his political future to tell it the way it is—and a president who is courageous enough to let him.

B. Y. ANDERSON.

SIR: Though I agree far more often than not with the vice president, I submit that his ultimate glory lies in an unblemished sense of personal integrity that by all rights should have been defeated long ago—defeated by those who see in his presence a reminder of that which they themselves have betrayed and compromised many times over through their evasions, half-lies, inconsistencies, unyielding conformity to dogma—in short, an intellectual hypocrisy of the worst sort.

The sheer magnitude of the emotional tirade and invective directed against the vice president strongly suggests that their opposition cannot be taken purely at face value. By way of analogy (although admittedly imperfect) one might recall efforts by those of his own religious congregation to discover evidences of hypocrisy among their spiritual leaders. In effect, people who do this are trying to wipe out their own imagined failings by striking at the visible personification of their weakness. By obliterating or discrediting what one truly accepts as "right" (or fears is "right") one's own failings are less painful to contemplate.

For our own sake, may he continue to stand tall.

STEPHENS K. MALLS.

BALTIMORE, Md.

SIR: Your editorial was mean and petty. It certainly was "negative and divisive"—attitudes which you piously preached against. The vice president has struck a deep, responsive chord in the vast majority of the American people by exposing the arrogance of the information media.

Editorial writers, news media commentators and others with propaganda motives are up-in-arms because they have been exposed by a person in high elective office courageous enough to speak out. I congratulate the vice president for his incisive perception of the feelings of nearly all of the American people except that small minority of revolutionaries, so-called intellectuals, demagogues who would pander to these and other vociferous groups and merchants of words in the information media who lust after power without responsibility.

D. R. OSBORN, JR.
Captain, U.S. Navy, retired.

SIR: Your attack on our vice president only proves how much he is right about the news media. Such blatant accusations you make, that he helps people to hate and is helping to bring on the bloody confrontations, are very disturbing to say the least. These are the very things the newspapers are guilty of. They support Mr. Agnew's complaint. The newspapers are among the first to suggest changes in the universities. Why is it they get "up tight" when someone makes a few remarks about their archaic policies?

GEORGE C. LASSISE.

NEW CARROLLTON, Md.

SIR: Your latest editorial on Mr. Agnew—"Agnew Unmuzzled" must have given him a great deal of satisfaction, because it certainly pleased me.

The truth does hurt—doesn't it? Unfortunately Mr. Agnew is forced to be your only target, because the communications media as a general rule don't allow opinions similar to his to be voiced.

SARAH MCLEAN ALLISON.

CHEVERLY, Md.

SIR: Et tu, Star! We are appalled at your utterly unjust attack on Vice President Agnew. We find it completely incredible that you could have been following the vicious and malicious tirade that has been directed at President Nixon and Vice President Agnew and feel that the vice president's truly justified responses are regrettable. It doesn't seem possible that you could have been trapped into joining the chorus of those that are dedicated to destroy the vice president and discredit the administration.

We find it difficult to understand how your sensibilities would not be equally disturbed by the vitriol being spewed by not only the sources mentioned by Mr. Agnew but some of your own more demagogic columnists. Why is it permissible for them to resort to irresponsible tactics and, in many cases, just blatant political trickery?

You are obviously unaware of how many

of us have been so outraged at the lack of balance of a large majority of the press. We have been so frustrated because we are unable to successfully voice our opinion. Vice President Agnew has provided this voice for us. We who have cried in the wilderness for so very long. We now feel our views are being accurately expressed.

Editorially, The Star is normally careful to provide a logical and reasonable policy. Your editorial concerning the vice president was a disturbing exception to that.

L. HILL.

INCREASE OF SERVICEMEN'S GROUP LIFE INSURANCE

Mr. TALMADGE. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House of Representatives on S. 1479.

The PRESIDING OFFICER (Mr. ALLEN) laid before the Senate the amendments of the House of Representatives to the bill (S. 1479) to amend chapter 19 of title 38, United States Code, in order to increase from \$10,000 to \$15,000 the amount of Servicemen's Group Life Insurance for members of the uniformed services, which was to strike out all after the enacting clause, and insert:

That section 765 of title 38, United States Code, is amended to read as follows:

"§ 765. Definitions

"For the purpose of this subchapter—

"(1) The term 'active duty' means—

"(A) full-time duty in the Armed Forces, other than active duty for training;

"(B) full-time duty (other than for training purposes) as a commissioned officer of the Regular or Reserve Corps of the Public Health Service; and

"(C) full-time duty as a commissioned officer of the Environmental Science Services Administration.

"(2) The term 'active duty for training' means—

"(A) full-time duty in the Armed Forces performed by Reserves for training purposes;

"(B) full-time duty for training purposes performed as a commissioned officer of the Reserve Corps of the Public Health Service;

"(C) full-time duty as a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or private cruises; and

"(D) in the case of members of the National Guard or Air National Guard of any State, full-time duty under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

"(3) The term 'inactive duty training' means—

"(A) duty (other than full-time duty) prescribed or authorized for Reserves (including commissioned officers of the Reserve Corps of the Public Health Service) which duty is scheduled in advance by competent authority to begin at a specific time and place; and

"(B) in the case of a member of the National Guard or Air National Guard of any State, such term means duty (other than full-time duty) which is scheduled in advance by competent authority to begin at a specific time and place under sections 316, 502, 503, 504, or 505 of title 32, United States Code.

"(4) The terms 'active duty for training' and 'inactive duty training' do not include duty performed as a temporary member of the Coast Guard Reserve, and the term 'inactive duty training' does not include (i) work or study performed in connection with correspondence courses, or (ii) attendance at an educational institution in an inactive status.

"(5) The term 'member' means—

"(A) a person on active duty, active duty

for training, or inactive duty training in the uniformed services in a commissioned, warrant, or enlisted rank or grade; and

"(B) a member, cadet, or midshipman of the Reserve Officers Training Corps while attending field training or practice cruises.

"(6) The term 'uniformed services' means the Army, Navy, Air Force, Marine Corps, Coast Guard, the commissioned corps of the Public Health Service, and the commissioned corps of the Environmental Science Services Administration.

"(7) The terms 'widow' or 'widower' means a person who is the lawful spouse of the insured member at the time of his death.

"(8) The term 'child' means a legitimate child, a legally adopted child, an illegitimate child as to the mother, or an illegitimate child as to the alleged father, only if (a) he acknowledged the child in writing signed by him; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been, before his death, judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the insured was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the insured was named as the father of the child.

"(9) The term 'parent' means a father of a legitimate child, mother of a legitimate child, father through adoption, mother through adoption, mother of an illegitimate child, and father of an illegitimate child but only if (a) he acknowledged paternity of the child in writing signed by him before the child's death; or (b) he has been judicially ordered to contribute to the child's support; or (c) he has been judicially decreed to be the father of such child; or (d) proof of paternity is established by a certified copy of the public record of birth or church record of baptism showing that the claimant was the informant and was named as father of the child; or (e) proof of paternity is established from service department or other public records, such as school or welfare agencies, which show that with his knowledge the claimant was named as father of the child. No person who abandoned or willfully failed to support a child during his minority, or consented to his adoption may be recognized as a parent for the purposes of this subchapter. However, the immediately preceding sentence shall not be applied so as to require duplicate payments in any case in which insurance benefits have been paid prior to receipt in the administrative office established under subsection 766(b) of this title of sufficient evidence to clearly establish that the person so paid could not qualify as a parent solely by reason of such sentence."

Sec. 2. Section 767 of title 38, United States Code, is amended to read as follows:

"§ 767. Persons insured; amount

"(a) Any policy of insurance purchased by the Administrator under section 766 of this title shall automatically insure any member of the uniformed service on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority, against death in the amount of \$15,000 unless such member elects in writing (1) not to be insured under this subchapter, or (2) to be insured in the amount of \$10,000 or \$5,000. The insurance shall be effective the first day of active duty or active duty for training, or the beginning of a period of inactive duty training scheduled in advance by competent authority, or from the date certified by the Administrator to the Secretary concerned as the date servicemen's group life insurance under this chapter for the class or group concerned takes effect, whichever is the later date.

"(b) Any member (other than one who

has elected not to be insured under this subchapter for the period or periods of duty involved)—

"(1) who, when authorized or required by competent authority, assumes an obligation to perform (for less than thirty-one days) active duty, or active duty for training, or inactive duty training scheduled in advance by competent authority; and

"(2) who is rendered uninsurable at standard premium rates according to the good health standards approved by the Administrator, or dies within ninety days thereafter, from a disability, or aggravation of a preexisting disability, incurred by him while proceeding directly to or returning directly from such active duty, active duty for training, or inactive duty training as the case may be;

shall be deemed to have been on active duty, active duty for training, or inactive duty training, as the case may be, and to have been insured under this subchapter at the time such disability was incurred or aggravated, and if death occurs within ninety days thereafter as a result of such disability to have been insured at the time of death. In determining whether or not such individual was so authorized or required to perform such duty, and whether or not he was rendered uninsurable or died within ninety days thereafter from a disability so incurred or aggravated, there shall be taken into account the call or order to duty, the orders and authorizations of competent authority, the hour on which the member began to so proceed or to return, the hour on which he was scheduled to arrive for, or on which he ceased to perform such duty; the method of travel employed; his itinerary; the manner in which the travel was performed; and the immediate cause of disability or death. Whenever any claim is filed alleging that the claimant is entitled to benefits by reason of this subsection, the burden of proof shall be on the claimant.

"(c) If any member elects not to be insured under this subchapter or to be insured in the amount of \$10,000 or \$5,000, he may thereafter be insured under this subchapter or insured in the amount of \$15,000 or \$10,000 under this subchapter, as the case may be, upon written application, proof of good health, and compliance with such other terms and conditions as may be prescribed by the Administrator."

Sec. 3. Section 768 of title 38, United States Code, is amended to read as follows:

"§ 768. Duration and termination of coverage; conversion

"(a) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, to the effect that any insurance thereunder on any member of the uniformed services, unless discontinued or reduced upon the written request of the insured, shall continue in effect while the member is on active duty, active duty for training, or inactive duty training scheduled in advance by competent authority during the period thereof, and such insurance shall cease—

"(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days—

"(A) one hundred and twenty days after the separation or release from active duty or active duty for training, unless on the date of such separation or release the member is totally disabled, under criteria established by the Administrator, in which event the insurance shall cease one year after the date of separation or release from such active duty or active duty for training, or on the date the insured ceases to be totally disabled, whichever is the earlier date, but in no event prior to the expiration of one hundred and twenty days after such separation or release; or

"(B) at the end of the thirty-first day of a continuous period of (i) absence without leave, (ii) confinement by civil authorities under a sentence adjudged by a civilian court, or (iii) confinement by military authorities under a court-martial sentence involving total forfeiture of pay and allowances. Any insurance so terminated as the result of such an absence or confinement, together with any beneficiary designation in effect for such insurance at such termination thereof, shall be automatically revived as of the date the member is restored to active duty with pay or to active duty for training with pay.

"(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days insurance under this subchapter shall cease at midnight, local time, on the last day of such duty, unless on such date the insured is suffering from a disability incurred or aggravated during such period which, within ninety days after such date, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator, in which event the insurance shall continue in force to death, or for ninety days after such date, whichever is the earlier date.

"(3) with respect to a member on inactive duty training scheduled in advance by competent authority insurance under this subchapter shall cease at the end of such scheduled training period, unless at such time the insured is suffering from a disability incurred, or aggravated during such period which, within ninety days after the date of such training, (i) results in his death, or (ii) renders him uninsurable at standard premium rates according to the good health standards approved by the Administrator in which event the insurance shall continue in force to death, or for ninety days after the date such training terminated, whichever is the earlier date.

"(b) Each policy purchased under this subchapter shall contain a provision, in terms approved by the Administrator, for the conversion of Servicemen's Group Life Insurance to an individual policy of life insurance—

"(1) with respect to a member on active duty or active duty for training under a call or order to duty that does not specify a period of less than thirty-one days, effective the one hundred and twenty-first day after separation or release from such duty, or at any time thereafter such insurance is in effect;

"(2) with respect to a member on active duty or active duty for training under a call or order to duty that specifies a period of less than thirty-one days, and a member insured during inactive duty training scheduled in advance by competent authority there shall be no right of conversion unless the insurance is continued in force for ninety days after such duty terminates, as the result of a disability incurred or aggravated during such active duty, active duty for training, or inactive duty training, in which event the insurance may be converted effective the day after the end of such ninety-day period.

"(c) An insured eligible to convert insurance under this subchapter upon request to the Office of Servicemen's Group Life Insurance shall be furnished a list of life insurance companies participating in the program established under this subchapter. Upon written application for conversion of Servicemen's Group Life Insurance made by an eligible insured under this subchapter to the participating company he selects and payment of the required premiums the insured shall be granted life insurance on a plan then currently written by such company which does not provide for the payment of any sum less than the face value thereof or

for the payment of an additional amount as premiums if the insured engages in the military service of the United States. Such converted insurance shall be issued without a medical examination if application is made within one hundred and twenty days after separation or release from active duty or active duty for training under a call or order to duty that did not specify a period of less than thirty-one days. Medical examinations and evidence of qualifying health conditions may be required in any case where the former member alleges that his insurance is continued in force beyond the normal termination date by reason of a qualifying disability incurred or aggravated during active duty, active duty for training, or inactive duty training. In addition to the life insurance companies participating in the program established under this subchapter, the list furnished to an insured under this section, shall include additional life insurance companies, (not so participating) which meet qualifying criteria, terms and conditions established by the Administrator and agree to sell insurance to former members in accordance with the provisions of this section."

Sec. 4. Section 769 of title 38, United States Code, is amended—

(1) by amending subsections (a) and (b) to read as follows:

"(a) (1) During any period in which a member, on active duty or active duty for training under a call or order to such duty that does not specify a period of less than thirty-one days, is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, there shall be deducted each month from his basic or other pay until separation or release from such duty an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

"(2) During any fiscal year, or portion thereof, that a member is on active duty for training under a call or order to such duty that specifies a period of less than thirty-one days, or is authorized or required to perform inactive duty training scheduled in advance by competent authority and is insured under a policy of insurance purchased by the Administrator, under section 766 of this title, the Secretary concerned shall collect from him (by deduction from pay or otherwise) an amount determined by the Administrator (which shall be the same for all such members) as the share of the cost attributable to insuring such member under such policy, less any costs traceable to the extra hazard of such duty in the uniformed service.

"(3) Any amount not deducted from the basic or other pay of a member insured under this subchapter, or collected from him by the Secretary concerned, if not otherwise paid, shall be deducted from the proceeds of any insurance thereafter payable. The initial monthly amount under subsection (1) hereof, or fiscal year amount under subsection (2) hereof, determined by the Administrator to be charged under this section for insurance under this subchapter may be continued from year to year, except that the Administrator may redetermine such monthly or fiscal year amounts from time to time in accordance with experience. No refunds will be made to any member of any amount properly deducted from his basic or other pay, or collected from him by the Secretary concerned, to cover the insurance granted under this subchapter.

"(b) For each month for which any member is so insured, there shall be contributed from the appropriation made for active duty pay of the uniformed service concerned an amount determined by the Administrator and certified to the Secretary concerned to

be the cost of such insurance which is traceable to the extra hazard of duty in the uniformed services. Effective January 1, 1970, such cost shall be determined by the Administrator on the basis of the excess mortality incurred by members and former members of the uniformed services insured under this subchapter above what their mortality would have been under peacetime conditions as such mortality is determined by the Administrator using such methods and data as he shall determine to be reasonable and practicable. The Administrator is authorized to make such adjustments regarding contributions from pay appropriations as may be indicated from actual experience."

(2) by inserting after "pay of members" in the first sentence of subsection (d) (1) the following: ", or collected from them by the Secretary concerned,".

Sec. 5. Section 770 of title 38, United States Code, is amended by adding the following new subsections thereto:

"(e) Until and unless otherwise changed, a beneficiary designation and settlement option filed by a member with his uniformed service under prior provisions of law will be effective with respect to the increased insurance authorized under this amendatory Act and the insurance shall be settled in the same proportionate amount as the portion designated for such beneficiary or beneficiaries bore to the amount of insurance heretofore in effect.

"(f) Notwithstanding the provisions of any other law, payment of matured Servicemen's Group Life Insurance benefits may be made directly to a minor widow or widower on his or her own behalf, and payment in such case shall be a complete acquittance to the insurer.

"(g) Payments of benefits due or to become due under Servicemen's Group Life Insurance made to, or on account of, a beneficiary shall be exempt from taxation, shall be exempt from the claims of creditors, and shall not be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, either before or after receipt by the beneficiary. The preceding sentence shall not apply to (1) collection of amounts not deducted from the member's pay, or collected from him by the Secretary concerned under section 769(a) of this title, (2) levy under subchapter D of chapter 64 of the Internal Revenue Code of 1954 (relating to the seizure of property for collection of taxes), and (3) the taxation of any property purchased in part or wholly out of such payments."

Sec. 6. Section 774 of title 38, United States Code, is amended by inserting after "the Secretary of Health, Education, and Welfare," the following: "the Secretary of Transportation,".

Sec. 7. The analysis of subchapter III of chapter 19 of title 38, United States Code, is amended by striking therefrom

"768. Termination of coverage; conversion" and inserting in lieu thereof the following: "768. Duration and termination of coverage; conversion".

Sec. 8. The third sentence of section 705 of title 38, United States Code, is amended by striking out "lapse occurred not earlier than two months before the expiration of the term period" and inserting in lieu thereof "insured makes application for reinstatement and renewal of his term policy within five years after the date of lapse".

Sec. 9. Section 707 of title 38, United States Code, is amended by inserting "(a)" before the word "Until" and adding a new subsection (b) as follows:

"(b) No claim by an insured for payment in cash of a special dividend declared prior to January 1, 1952, shall be processed by the Veterans' Administration unless such claim was received within six years after such dividend was declared. Whenever any claim for payment of a special dividend, the processing of which is barred by this subsection,

is received in the Veterans' Administration, it shall be returned to the claimant, with a copy of this subsection, and such action shall be a complete response without further communication."

Sec. 10. Section 717 of title 38, United States Code, is amended (a) by substituting a period for the comma after the word "beneficiary" in the last sentence of subsection (c) and striking the remainder of the sentence, and (b) by adding at the end thereof the following new subsection:

"(e) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured under option (2) or (4) of this section. All settlements under option (4), however, shall be calculated on the basis of the Annuity Table for 1949. If the option selected requires payment of monthly installments of less than \$10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than \$10."

Sec. 11. Section 745 of title 38, United States Code, is amended to read as follows: "§ 745. Renewal.

"At the expiration of any term period any insurance policy issued on the five-year level premium term plan which has not been exchanged or converted to a permanent plan of insurance and which is not lapsed shall be renewed as level premium term insurance without application for a successive five-year period at the premium rate for the attained age without medical examination. However, renewal shall be effected in cases where the policy is lapsed only if the insured makes application for reinstatement and renewal of his term policy within five year after the date of lapse, and reinstatement in such cases shall be under the terms and conditions prescribed by the Administrator."

Sec. 12. Section 752 of title 38, United States Code, is amended (1) by adding "(a)" before the words "The Administrator", and (2) by adding at the end thereof the following new subsection:

"(b) Under such regulations as the Administrator may promulgate, the cash surrender value of any policy of insurance or the proceeds of an endowment contract which matures by reason of completion of the endowment period may be paid to the insured (1) in equal monthly installments of from thirty-six to two hundred and forty in number, in multiples of twelve; or (2) as a refund life income in monthly installments payable for such periods certain as may be required in order that the sum of the installments certain, including a last installment of such reduced amount as may be necessary, shall equal the cash value of the contract, less any indebtedness, with such payments continuing throughout the lifetime of the insured. However, all settlements under option (2) above shall be calculated on the basis of The Annuity Table for 1949. If the option selected requires payment of monthly installments of less than \$10, the amount payable shall be paid in such maximum number of monthly installments as are a multiple of twelve as will provide a monthly installment of not less than \$10."

Sec. 13. (a) Sections 321, 341, and the first sentence of section 417(a) of title 38, United States Code, are amended by deleting therefrom "April 30, 1957", and inserting in lieu thereof "April 30, 1957, and before July 1, 1970".

(b) Section 417(a) of title 38, United States Code, is further amended by adding at the end thereof the following: "On and after July 1, 1970, the provisions of the first sentence of this section shall not be construed to deny the payment of dependency and indemnity compensation in any case where the amount of dependency and in-

demnity compensation that would be payable except for such sentence equals or exceeds the amount of death compensation payable under section 322 or 342 of this title."

(c) Section 724(a) of title 38, United States Code, is amended by adding at the end of the first sentence thereof the following: "In any case in which insurance continued in force under this section matures on or after July 1, 1970, the premiums waived on and after that date shall be placed as an indebtedness against the insurance and, unless otherwise paid, shall be deducted from the insurance in any settlement thereunder."

Sec. 14. (a) The amendments made by this Act shall take effect as of the date of enactment, except that sections 10 and 12 shall take effect as of the first day of the first calendar month which begins more than six calendar months after the date of enactment of this Act.

(b) The provisions of section 765 (7), (8), and (9) of title 38, United States Code, as added by the first section of this Act shall apply only to servicemen's group life insurance in effect on the life of an insured member who dies on and after the date of enactment of this Act.

And amend the title so as to read: "An Act to amend title 38, United States Code, to authorize a maximum of \$15,000 coverage under servicemen's group life insurance, to enlarge the classes eligible for such insurance, to improve the administration of the programs of life insurance provided for servicemen and veterans, and for other purposes."

Mr. TALMADGE. Mr. President, the Subcommittee on Veterans' Affairs Legislation of the Committee on Finance has met on these House amendments. We have agreed unanimously on our course of action.

Mr. President, I move that the Senate concur in the House amendment to the text of the bill with the following amendments:

On page 3, line 21, of the House engrossed amendments insert quotation marks immediately after the period.

On page 3 of the House engrossed amendments, beginning with line 22, strike out all down through line 13 on page 5.

On page 19 of the House engrossed amendments, beginning with line 20, strike out all down through line 16 on page 20, and insert in lieu thereof the following:

Sec. 13. (a) The first sentence of section 417(a) of title 38, United States Code, is amended by inserting "(1)" immediately after "unless", and by striking out the period at the end of such sentence and inserting in lieu thereof a comma and the following: "or (2) the total amount paid to the widow, children, or parents of such veteran under any such policy is equal to or exceeds the face value of the policy and such amount paid when added to any amounts paid as death compensation is equal to or less than the total amount which would have been payable in dependency and indemnity compensation following the death of such veteran is such widow, children, or parents had been eligible for such compensation upon the death of such veteran. Any person receiving death compensation at the time he becomes eligible for dependency and indemnity compensation pursuant to clause (2) of the preceding sentence shall continue to receive such death compensation unless he makes application to the Administrator to be paid dependency and indemnity com-

ensation. An election by such person to receive dependency and indemnity compensation shall be final."

(b) The last sentence of section 417(a) of such title is amended by striking out "preceding sentence" and inserting in lieu thereof "first sentence".

(c) No dependency and indemnity compensation shall be payable to any person by virtue of the amendments made by subsection (a) of this section for any person prior to the effective date of this Act.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Georgia.

The motion was agreed to.

Mr. TALMADGE. Mr. President, I move that the Senate concur in the amendment of the House to the title of the bill.

The motion was agreed to.

Mr. TALMADGE. Mr. President, the Subcommittee on Veterans' Legislation of the Committee on Finance acted on all these amendments. The action was unanimous. The ranking minority member, the Senator from Utah (Mr. BENNETT), was present and he fully concurs. In addition, the Senator from Iowa (Mr. MILLER) was present and he concurs. This matter has been cleared all the way around.

Mr. President, last year the Senate approved S. 1479, a bill I introduced to increase servicemen's group life insurance for active duty servicemen from \$10,000 to \$15,000. Last month, the House approved S. 1479 but added a number of amendments. These amendments would:

First. Modify the Government's liability to increase the Federal share of the extrahazardous cost of servicemen's group life insurance;

Second. Extend coverage to ROTC members, students at the military academies, and reservists on active duty for training for less than 31 days;

Third. Provide a uniform national definition of the terms "widow," "widower," "child," and "parent," and authorize direct payments to minor widows and widowers;

Fourth. Extend coverage to individuals assuring an obligation to perform certain duty for less than 31 days who die or become uninsurable;

Fifth. Extend coverage to totally disabled veterans for 1 year after discharge instead of 120 days as under present law;

Sixth. Terminate insurance at the end of the 31st day of absence without leave;

Seventh. Exempt insurance payments from taxation and claims of creditors;

Eighth. Add the Secretary of Transportation to the SGLI Advisory Council;

Ninth. Extend dependency and indemnity compensation to widows whose husbands were insured under National Service Life Insurance on a premium-free basis; and

Tenth. Make a number of minor changes in the National Service Life Insurance program.

The Senate has just agreed to the House amendments with two exceptions.

First, we have disagreed with the provision of the bill setting a uniform national definition for the terms "widow," "widower," "child," and "parent." The Committee on Finance also has the re-

sponsibility for legislation affecting the social security program, and under social security we follow applicable State law in definitions of these terms. It was our feeling that a uniform national definition of these terms for Servicemen's Group Life Insurance should not precede consideration of national definitions of those terms under the social security program.

Second, the Senate has substituted a provision which has previously been approved by the Senate for the House provision extending dependency and indemnity compensation to certain widows whose husbands were insured under National Service Life Insurance on a premium-free basis. After carefully examining the provision of the House bill and comparing it with the provision approved by the Senate, it was our conviction that the Senate provision would be more equitable, particularly with respect to servicemen who have voluntarily relinquished their premium-waiver privilege in order that their survivors might receive dependency and indemnity compensation.

I would like to mention one further matter, Mr. President. The House bill exempts payments of benefits under Servicemen's Group Life Insurance from taxation and from claims of creditors. It was our understanding in approving the House amendment that the exemption from taxation would not apply to inheritance or estate taxes. The provision in the House bill closely parallels another provision of present law relating to National Servicemen's Life Insurance proceeds. The language of existing law has been construed by the Supreme Court as not exempting veterans' death benefits from estate taxes. A similar construction of the parallel provision in the House bill is that Servicemen's Group Life Insurance proceeds are not exempt from estate taxes. This amendment by the House was considered desirable to clear up any misunderstanding that Servicemen's Group Life Insurance, which is paid by private insurance companies, should be treated any different—so far as taxes and creditors are concerned—than National Service Life Insurance, which is paid directly by the Federal Government.

Mr. President, it would be my hope that this bill with its major improvements in the Servicemen's Group Life Insurance program will be cleared for the President's signature in the near future.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Bartlett, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 10184. An act to provide for the disposition of judgment funds of the Sioux Tribe of the Fort Peck Indian Reservation, Mont.; and

H.R. 15166. An act authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

PETITION

The ACTING PRESIDENT pro tempore (Mr. SPONG) laid before the Senate a letter from Tina Frost, of White Plains, N.Y., praying that American troops be pulled out of Indochina as soon as possible, which was referred to the Committee on Foreign Relations.

BILLS INTRODUCED

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

By Mr. RIBICOFF:

S. 3932. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to add an additional title to provide for motor vehicle safety collision standards; to the Committee on Commerce.

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

By Mr. YARBOROUGH:

S. 3933. A bill for the relief of Antonia Del Valle Jerez; to the Committee on the Judiciary.

By Mr. FULBRIGHT (by request):

S. 3934. A bill to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes; to the Committee on Foreign Relations.

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

S. 3932—INTRODUCTION OF A BILL SETTING CERTAIN SAFETY STANDARDS FOR AUTOMOBILE BUMPERS

Mr. RIBICOFF. Mr. President, each year thousands of persons are injured and billions of dollars are lost as a result of low-speed automobile accidents. The toll in human suffering and inconvenience alone is great. The staggering economic cost is passed along to the consumer in the form of large repair bills, higher insurance premiums, and decreased life expectancy of the vehicle. Moreover, these accidents constitute a heavy strain on the automotive repair business, on our court system, on our police agencies, and on the scarce materials used in making necessary repairs.

The extreme delicacy of the automobile's external structure and the magnitude of the costs associated with low-speed collisions are shown by two recent studies conducted by the Insurance Institute for Highway Safety. Tests performed on four 1969 sedans—Chevrolet Impala, Ford Galaxie, Plymouth Fury I and Ambassador SST—demonstrate that on the average they sustain approximately \$200 in damage when driven forward into a barrier at 5 miles per hour—equal to a fast walk—\$650 in the same situation at 10 miles per hour—jogging speed—and \$500, to both, when driven into the rear of an identical vehicle at 10 miles per hour. Tests on four 1970 small cars—Volkswagen, Toyota Corona, Ford Maverick, and American Hornet—measured somewhat less damage in the same circumstances: \$150 at 5 miles per hour into a barrier, \$400 at 10 miles per

hour into a barrier, and \$400 at 10 miles per hour into another car. In this day, there is no valid reason why automobile bumpers should crumple at such low speeds.

The automobile industry presently makes a bumper that can withstand an impact of only 2.8 miles per hour. Dr. William Haddon, Jr., president of the Insurance Institute, stated in testimony before the Senate Commerce Committee that—

Current automobile exterior designs, while aimed at the eye of the consumer in the showroom, are pointed directly at his wallet on the road.

The technology exists right now to produce a resistant bumper; it is merely a question of applying the available engineering skills to the task. One company has reported successful testing of a new bumper safe to vehicle and humans at speeds up to 30 miles per hour.

While working on a modified bumper, Detroit should also be concentrating on developing more complex energy-absorbing systems to limit property damage and personal injury, especially in higher speed crashes. To that end, I have been advocating an expanded Federal program to encourage research, development, and testing of a prototype safe car.

Mr. President, I have been concerned for a long time with the problem of highway safety. Accordingly, today I am introducing a bill which would amend the Traffic Safety Act of 1966 to require that all automobiles sold in interstate commerce after January 1, 1972, have bumpers that will withstand a crash into a stationary barrier at 5 miles per hour without damaging the vehicle, and after January 1, 1973, have bumpers that will withstand such a crash at 10 miles per hour. It will reduce the tremendous cost being borne by the car owner for unnecessary repairs. The time has come for the Federal Government to act and for the private sector to respond with the public interest foremost in the minds of both.

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

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

The bill (S. 3932) to amend the National Traffic and Motor Vehicle Safety Act of 1966 to add an additional title to provide for motor vehicle safety collision standards, introduced by Mr. SPONG, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3932

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Traffic and Motor Vehicle Safety Act of 1966 is amended by adding at the end thereof the following new title:

"TITLE V—FEDERAL SAFETY COLLISION STANDARDS

"Sec. 501. (a) The Secretary shall establish by order appropriate Federal motor vehicle safety collision standards dealing with the capability of motor vehicles to collide without damage in accordance with the provisions

of this title. Not later than November 1, 1971, the Secretary shall establish such standards for collision of both the front and rear of a motor vehicle with a fixed impact barrier at a speed of 5 miles per hour. Not later than November 1, 1972, the Secretary shall establish such standards for collision of both the front and rear of a motor vehicle with fixed impact barrier at a speed of 5 miles per hour. Not later than November 1, 1972, the Secretary shall establish such standards for collision of both the front and rear of a motor vehicle with a fixed impact barrier at a speed of 10 miles per hour.

"(b) Standards established under this title shall be based upon findings of the Society of Automotive Engineers.

"Sec. 502. Except as provided in section 108 (b) of this Act, no person shall manufacture for sale, sell, offer for sale, or introduce or deliver for introduction in interstate commerce, or import into the United States any motor vehicle manufactured on or after 120 days from the date an order under this title is issued unless it is in conformity with such standards.

"Sec. 503. Unless inconsistent with the objectives of this title, a standard shall be prescribed and an order shall be enforced in the same manner and to the same extent as a Federal motor vehicle safety standard established under title I of this Act and all the provisions of that title shall apply to orders under this title.

"Sec. 504. There are hereby authorized to be appropriated for the purpose of carrying out the provisions of this title such sums not to exceed \$25,000 for the fiscal year ending June 30, 1971, and \$25,000 for the fiscal year ending June 30, 1972, as may be necessary."

S. 3934—INTRODUCTION OF A BILL TO AMEND THE INTER-AMERICAN DEVELOPMENT BANK ACT

Mr. FULBRIGHT. Mr. President, by request, I introduce for appropriate reference a bill to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes.

The bill has been requested by the Secretary of the Treasury and I am introducing it in order that there may be a specific bill to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this bill, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the bill be printed in the RECORD at this point, together with the letter from the Secretary of the Treasury dated June 1, 1970, to the Vice President.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred; and, without objection, the bill and material will be printed in the RECORD, as requested by the Senator from Arkansas.

The bill (S. 3934) to amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes introduced by Mr. FULBRIGHT, by request, was received, read twice by its

title, referred to the Committee on Foreign Relations, and ordered to be printed in the RECORD, as follows:

S. 3934

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Inter-American Development Bank Act (22 U.S.C. 283-283n) is amended by adding at the end thereof the following new section:

"SECTION 18. (a) The United States Governor of the Bank is hereby authorized to vote in favor of the two Resolutions proposed by the Governors at their annual meeting in April 1970 and now pending before the Board of Governors of the Bank, which provide for (1) an increase in the authorized capital stock of the Bank and additional subscriptions of members thereto and (2) an increase in the resources of the Fund for Special Operations and contributions thereto. Upon adoption of such Resolutions the United States Governor is authorized to agree on behalf of the United States (1) to subscribe to 82,352 shares of \$10,000 par value of the increase in the authorized capital stock of the Bank of which 67,352 shall be callable shares and 15,000 shall be paid in and (2) to pay to the Fund for Special Operations an initial annual installment of \$100 million and two subsequent annual installments of \$450 million each, in accordance with and subject to the terms and conditions of such resolutions.

"(b) There is hereby authorized to be appropriated, without fiscal year limitation, for payment by the Secretary of the Treasury (1) three annual installments of \$50,000,000 each for the United States subscription to paid-in capital stock of the Bank; (2) two installments of \$336,760,000 each for the United States subscription to the callable capital stock of the Bank; and (3) one annual installment of \$100 million and two annual installments of \$450 million each for the United States share of the increase in the resources of the Fund for Special Operations of the Bank."

The letter presented by Mr. FULBRIGHT is as follows:

THE SECRETARY OF THE TREASURY,
Washington, D.C., June 1, 1970.

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

DEAR MR. PRESIDENT: There is transmitted herewith a draft of a proposed bill, "To amend the Inter-American Development Bank Act to authorize the United States to participate in increases in the authorized capital stock and resources of the Fund for Special Operations of the Inter-American Development Bank, and for other purposes."

At the Annual Meeting of the Board of Governors of the Inter-American Development Bank in April 1970, the Governors unanimously agreed to recommend to their governments that appropriate steps be taken not later than June 30, 1971, to permit adoption of two Resolutions providing for (1) an increase in the Bank's authorized capital stock by \$2 billion, including \$400 million in paid-in capital and \$1.6 billion in callable capital, and (2) an increase in the resources of the Fund for Special Operations of \$1.5 billion. These new resources would be provided on a shared basis over several years by the United States and the twenty-two Latin American members of the Bank.

Now completing its first decade of operations, the Inter-American Development Bank has established itself as a primary instrument for helping hemisphere nations to achieve their economic and social development objectives. In order to continue its leading role and to provide for the increased need for development financing, the Bank is seeking approval of a new replenishment of

both the Ordinary Capital and Fund for Special Operations resources of the Bank.

INCREASE IN ORDINARY CAPITAL

The Bank's Ordinary Capital lending operations, which constitute the Bank's "hard" window, have accounted for 187 loans totaling \$1,294 million as of December 31, 1969. These operations are funded largely by borrowing on private capital markets. Subscriptions to the Bank's callable capital serve as backing for this borrowing, and constitute a contingent liability involving no budgetary expenditure. They serve as a guarantee subject to call on a proportionate basis in the unlikely event that they are required to meet the Bank's obligations.

Although calls on the callable capital would be made on all Bank members, the Bank, as a practical operating matter, has agreed with its bondholders to limit its borrowing to the amount of the United States callable capital, which now totals \$817,640,000. Against this amount the Bank had outstanding borrowings of \$767,163,000 at the close of 1969. A further \$205 million of the Bank's callable capital is expected to be subscribed by the United States shortly, pursuant to earlier authorization, but by the end of 1970, the remaining callable capital backing will be inadequate to meet new borrowing needs. New subscriptions are therefore urgently needed to permit the Bank to continue its borrowing activities and its Ordinary Capital lending operations, which it anticipates will increase to an average annual level of \$300-\$350 million for the 1971-75 period.

Of the proposed \$1.6 billion increase in callable capital the United States would authorize to 67,352 shares, thereby permitting additional Bank borrowing of up to \$673,520,000. The subscriptions, to be made in two equal installments, would be due not later than June 30, 1971 and June 30, 1973, respectively.

In addition, an increase in the paid-in capital is sought in connection with the callable capital increase. Although the callable capital has been increased several times since the Bank was established, there has never been an accompanying increase in the paid-in capital. Such an increase would now be appropriate in order to maintain a balanced capital structure for the institution. The resources available from an increase in paid-in capital would also enable the Bank to keep its Ordinary Capital lending rates at reasonable levels. The paid-in increase would amount to \$400 million, with the U.S. share being \$150 million represented by 15,000 shares, to be paid in three equal consecutive annual installments beginning not later than June 30, 1971. The Bank is authorized in the proposed resolution to accept non-negotiable, non-interest bearing promissory notes or similar securities in lieu of cash payment of all or any part of the paid-in capital, thereby reducing the immediate budgetary impact of such subscriptions.

Latin American member country subscriptions to the paid-in capital increase will total \$36,410,000 (61.2 percent of the total subscribed) and will be made to the extent of one-half in the form of gold and dollars, and one-half in national currency. Latin American subscriptions to callable capital will amount to \$879,030,000, or 56.6 percent of the total subscribed.

INCREASE IN RESOURCES OF THE FSO

The Fund for Special Operations, which has provided an aggregate of 243 loans totaling \$1,582 million to finance high priority projects for economic and social development, will require additional resources to meet the anticipated need for concessional funds during the first part of the new decade. Of the \$1.5 billion total proposed increase in the Fund for Special Operations, the U.S. share would be \$1 billion. However,

since the Fund will enter 1971 with about \$300 million still available for dollar lending, the first installment, due not later than June 30, 1971, would amount to \$100 million, thus providing the resources to enable the Bank to carry out its planned 1971 dollar lending program. The remaining two U.S. installments, due not later than June 30, 1972 and June 30, 1973, respectively, would be \$450 million each. As in the case of subscriptions to the paid-in capital, U.S. contributions to the FSO would be made in the form of non-interest bearing letters of credit, which would not have any budgetary effect until drawn on at a later time. The resources provided by the replenishment will enable the Bank to increase by more than half its annual lending on concessional terms in all currencies.

Under the previous schedule of contributions to the Fund for Special Operations completed in December 1969, the United States contributed \$900 million over a three-year period and the Latin American members contributed the equivalent of \$300 million for a total of \$1.2 billion. The proposed increase raises the Latin American rate of contributions by 67% and continues the trend of progressive reduction in the ratio of U.S. to Latin American contributions. This ratio was reduced from 5:1 in 1964 to 3:1 in 1967; in the present replenishment, it will decline still further to 2:1. This is a forceful indication that our Latin American neighbors are fully committed to self-help in achieving economic and social development.

As a further expression of the principle of mutual self-help, dollar loans from the Fund for Special Operations in the future are to be repayable in dollars instead of local currencies; the less developed Latin American countries are to have a first priority claim on soft loan resources, while the stronger countries are to rely more on Ordinary Capital financing; the six largest Latin American subscribers to the Bank capital will allow part of their FSO contribution to be used for loan financing in other member countries, compared with four who allowed this previously; and the Bank will place new emphasis on overall country performance by borrowers and on improved coordination with other lending institutions and with the Inter-American Committee for the Alliance for Progress (CIAP).

At their Annual Meeting, the Board of Governors also resolved to study the matter of admission to the Bank of developed non-member countries. The membership of other developed countries could add to the Bank's strength and significantly enhance the ability of the Bank to borrow in these countries, as well as increase the resources of the Fund for Special Operations. Should the study by the Governors of the question of broadened membership result in a resolution for action by governments, the National Advisory Council on International Monetary and Financial Policies will report to the Congress with appropriate recommendations.

The draft bill would authorize the U.S. Governor of the Bank to vote in favor of the two replenishment Resolutions. It would authorize the U.S. Governor to agree on behalf of the United States to subscribe to 82,352 shares of the capital stock of the Bank and to pay to the Fund for Special Operations the sum of \$1 billion. It would also authorize the appropriation of these sums, as indicated.

The proposed increase in resources is essential to permit the Inter-American Development Bank to continue to play a leading role in hemispheric development. Cooperative international development financing through the Bank has enjoyed strong U.S. support for over a decade. It has had the full support of Presidents Eisenhower, Kennedy and Johnson. In his message to the recent Annual Meeting of the Bank Governors in Punta del Este, President Nixon said:

"We in the United States are proud of our membership in the Bank and its presence in our capital city. We are conscious of its past accomplishments and its future promise, and above all, we cherish the link it represents with our partners of the Americas."

The proposed legislation to strengthen the financial structure of the Bank would further the clear United States interest in promoting economic and social progress in the nations of the Western Hemisphere community. It has President Nixon's full support. I urge its prompt approval by the Congress.

A Special Report of the National Advisory Council on International Monetary and Financial Policies related to these Resolutions is being submitted to you and to the Speaker of the House of Representatives.

It would be appreciated if you would lay this proposed bill before the Senate. An identical bill has been transmitted to the House of Representatives.

The Department has been advised by the Bureau of the Budget that the proposed legislation is in accord with the program of the President.

Sincerely yours,

DAVID M. KENNEDY.

ADDITIONAL COSPONSORS OF BILLS

S. 3092

Mr. TYDINGS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New Mexico (Mr. MONROYA) be added as a cosponsor of S. 3092, the Consumer Class Action Act, a bill to amend the Federal Trade Commission Act to extend protection against fraudulent or deceptive practices, condemned by that act to consumers through civil actions, and to provide for class actions for acts in fraud of consumers.

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

S. 3562

Mr. PERCY. Mr. President, on behalf of the Senator from Iowa (Mr. HUGHES), I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of S. 3562, to provide a comprehensive Federal program for the prevention and treatment of drug abuse and drug dependence.

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

S. 3745

Mr. COOPER. Mr. President, on Thursday, April 23, 1970, I was very glad to introduce the bill, S. 3745, submitted by the administration to carry out the proposals made in the President's message on Federal disaster assistance. The President's message appears at the beginning of the CONGRESSIONAL RECORD for that day and later, on page 12688, the fact sheet which accompanied the President's message and a section-by-section analysis of the bill are included in the RECORD.

At that time, the Disaster Relief Subcommittee of the Committee on Public Works was about to begin its Washington hearings on this subject, and I knew it was important that the administration bill be printed and available to the hearings. There was no time to circulate among all Senators and an invitation to cosponsor the bill and to receive their response. For that reason, as the ranking

Republican member of the committee, I introduced the bill for myself and for Senator RANDOLPH, chairman of the full committee, Senator DOLE, the ranking Republican member of the Disaster Relief Subcommittee, and Senator BAYH, chairman of that subcommittee. I announced at that time that I would ask at a later time that additional cosponsors be added.

I consider it an indication of the strong interest in providing effective disaster assistance, and evidence of support for the President's disaster relief proposals, that a number of Members of the Senate have expressed to me their desire to sponsor this bill.

Mr. President, I am very glad to ask that the following Senators be added as cosponsors of S. 3745: Senators BAKER, BENNETT, BROOKE, COOK, CRANSTON, CURTIS, EASTLAND, GURNEY, HRUSKA, JAVITS, JORDAN of Idaho, MCGOVERN, MILLER, MOSS, PACKWOOD, SCOTT, SMITH of Illinois, SPONG, STEVENS, TOWER, WILLIAMS of New Jersey, YARBOROUGH, YOUNG of North Dakota, and YOUNG of Ohio. The PRESIDING OFFICER (Mr. CRANSTON). Without objection, it is so ordered.

S. 3835

Mr. PERCY. Mr. President, on behalf of the Senator from Iowa (Mr. HUGHES), I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. GRIFFIN) be added as a cosponsor of S. 3835, to provide a comprehensive Federal program for the prevention and treatment of alcohol abuse and alcoholism.

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

ADDITIONAL STATEMENTS OF SENATORS

GUILT AND THE GENOCIDE CONVENTION

Mr. PROXMIER. Mr. President, I have in recent days been stressing the need for immediate action on the Genocide Convention. I would hope that as we approach the legislative days ahead this summer the significance of this convention will not be lost. As the Washington Post so bluntly reminded us in a lead editorial last week:

The failure of the United States to ratify the Genocide Convention has left an unsightly stain on the good name and the high pretensions of this nation, a leader in the long quest for international order and justice.

This is a time during which many persons throughout the world are questioning the motives and pretensions of the United States. Today it is even more important than ever that this Nation reaffirm its strong beliefs in the universal, irrevocable imperatives that guarantee human rights.

Several conventions now before this body would go a long way toward reaffirming this belief. These include the Conventions on Freedom of Association, Political Rights of Women, Forced Labor, and Employment Policy. But none of these conventions. Mr. President, is more

critical and closer to passage than the Convention on Genocide. Perhaps but 3 months remain in which we can act—it would be tragic if we did not take advantage of the rising public support for this convention by ratifying it.

Mr. President, it must seem strange to the world community that the very nation that was in large measure responsible for the drafting and unanimous passage of this convention in the United Nations General Assembly should now delay in considering it on the floor of the Senate. And as the Washington Post editorial of last week reminded us, the nature of the opposition to the convention's passage must seem even stranger to the world community. Primary opposition seems to come from those who fear that racial discrimination here might be seized upon as a basis for charging the United States with a violation of the Genocide Convention.

This fear has of course no basis. As the Post noted—

Odius and undemocratic as racial discrimination undoubtedly is, it does not, as practiced in this country constitute Genocide. And the country, besides, is moving unswervingly toward eradicating discrimination. But what a sense of guilt this fear betrays.

Perhaps, Mr. President, much of our delay on this vital measure is in large part the result of our guilt feelings. We fear that discrimination, the Black Panthers, Vietnam, and other issues will be turned against us in the international community. But, Mr. President, there is now nothing keeping them from being turned against us in the world court of public opinion. If we believe at all in the righteousness of our positions we should be willing to stand them up in more formal courts. Our righteousness cannot be allowed to become self-righteousness.

As the Post observed:

It is high time for the United States to rise above its guilty fears to the level of its high principles. Ratification of the Genocide Convention would simply place this country where it belongs, in the ranks of those seeking to safeguard basic human rights throughout the world.

INFLATION AND THE COST OF LIVING, AND SOME QUESTIONS AND ANSWERS

Mr. SCOTT. Mr. President, the Treasury Department has released some comments on inflation and the cost of living together with some questions and answers, and an interesting fact sheet. I ask unanimous consent that they be printed in the RECORD.

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

INFLATION AND THE COST OF LIVING: SOME QUESTIONS AND ANSWERS

Q. To many Americans, the rising cost-of-living and high interest rates have become the nation's number one domestic problem. Why have prices risen so far and so fast?

A. The plain, unassailable facts are these: We are suffering now from the effects of a Democratic inflation.

It is a Republican Administration which is fighting the hard fight to control that inflation.

It is the Democrats, in Congress and elsewhere who are making it difficult to fight

that fight successfully.

Is there any doubt that the nation is suffering from an inflation caused by ill-conceived Democratic policies? Look at the record.

It was the Democrats who controlled this Government for the first eight years of the 1960's. That is when inflation was set in motion.

Early in the 1960's, a great deal was heard about the "new economics." It provided Democrats with an intellectual respectability for a gorgeous political doctrine which said we should have lower taxes and more Federal spending because it was good for us.

The Democrats pursued the "new economics" as long as it called for lower taxes and more spending, and they did so with excellent political results, winning the election of 1964 and continuing their large majorities in the House and Senate.

This inflationary policy was pursued even when expenditures for Viet Nam began to mount. It was a simple policy: we could have both guns and butter and jam, as well.

But, when unmistakable signs of overheating in the economy occurred in 1966, as the deficits from lower taxes and higher spending rose, they gave up on the "new economics" when its logic called for budget surpluses either through higher taxes or lower spending, or both. Spending was not cut: it was increased; only reluctantly were minor tax increases provided. As a result, our Government ran a string of deficits totalling almost \$64 billion from 1961 to 1968, culminating in the recordbreaking \$25 billion deficit in 1968.

The result of big Federal deficits and too rapid an expansion in the nation's money supply is old-fashioned inflation: Too much money chasing too few goods, and a rapid escalation in the cost-of-living.

Q. Why have interest rates risen so much?
A. Because of the red-ink budgets and the resulting inflation.

Interest is simply the price paid for borrowed money. In an inflationary boom, all types of borrowers—businesses, farmers, individuals, State and local governments—are anxious to borrow. When added to the Government's borrowing to meet red-ink spending, the demand pressures simply pull interest rates up.

Q. Why do budget deficits cause the cost-of-living to rise?

A. Because the Federal government puts more money into the economy through spending than it takes out in the form of taxes. The situation is aggravated if, as in the late 1960's, the Federal Reserve System indirectly helps to finance the Federal deficits through rapid expansion of the money supply.

Q. Does this explain why interest rates rose to historic highs in 1969?

A. Not entirely. Such rates are also affected by the monetary policies of the Federal Reserve System. These policies were appropriately tight last year as one vital part of the effort to stop inflation. Recently monetary policy has loosened up somewhat.

But the real force that jacked interest rates to ultra-high levels last year was widespread expectations of unending inflation in the United States. When inflation is allowed to run on too long, as in the late 1960's, expectations of additional inflation take hold. This causes borrowers to rush in to borrow today in order to beat tomorrow's price increase. Lenders become reluctant to make loans which they think will be repaid with dollars of reduced purchasing power.

Q. Just exactly what has President Nixon done to stop inflation?

A. He has struck at its basic cause by sharply slowing the upward spiral of Federal spending.

From fiscal 1965 to 1969, the average annual increase in Federal spending was over 13 percent. In fiscal 1970, that rise was cut to

7½ percent. In the coming fiscal year that spending momentum will be further cut in half—to 3.7 percent.

Q. If the Administration's battle against inflation is being won, why do prices continue to rise?

A. You can't reverse overnight the deeply ingrained pressures stemming from four years of economic overheating—at least, you cannot do so quickly without knocking the economy into deep, old-fashioned recession with sky-high unemployment. This is why the President refused to jam on the brakes, but instead insisted on firm but pervasive restraint.

Unfortunately, even though the forces of "demand-pull inflation" ("too much money chasing too few goods") have been pretty much brought under control—the "real" economy has been level or declining moderately for the past six months—the pressures of "cost-push" will continue to escalate prices for some months to come.

This period of adjustment, through which we must navigate back to wage-price stability, is painful but necessary. Anyone who goes on a 4-day bender is going to have a long and painful hangover. An economy that's been on a 4-year inflationary binge also must go through an uncomfortable period of decompression.

Q. What are the methods used to fight inflation?

A. Government has only two real tools to use against inflation. They are monetary restraint and fiscal restraint. The Nixon Administration is using these two tools in a very delicate operation designed to bring inflation under control while still avoiding economic distress. The more leeway it has in using the fiscal restraint tool—which means holding government spending in line—the less it has to use the monetary restraint tool with the economic hardships it imposes.

The Democrats fight the use of either tool. They make it difficult to achieve surpluses by their control of Congress and their predilection for spending, spending, spending. They snipe at high interest rates brought on by the monetary restraint necessary when the fiscal tool cannot be used to its fullest extent. They make difficult the unified support for the kind of national program required to stop the inflation they began.

Instead, they advance tired old panaceas; they want the President to jawbone inflation away, as if that were possible, or they urge compulsory price and wage controls which, as they ought to know best of all, never have solved the underlying causes of high prices.

Q. Some economists and politicians claim that the Administration abandoned the wage-price guideposts introduced in the early 1960's and which, according to them, were very effective in controlling inflation.

Why has President Nixon refused to use the prestige of his office to get labor to make reasonable settlements and business to hold prices down?

A. This Administration didn't jettison the wage-price guideposts. They were dropped by the Johnson Administration in 1968 when it was clear they were not working and continued reliance on them would have done more harm than good.

The hard fact is that the record for this type of "incomes policy" is poor both here and abroad. During the early 1960's, when some say they worked in this country, unemployment averaged more than 5 percent.

Q. If "jawboning" won't work, why not set up wage and price controls?

A. Because they won't work either, unless there are strong patriotic motives which support them, such as a situation like World War II. And even in World War II, about a quarter of a million volunteer and Federal workers were used to administer and enforce the program. Even so, black markets were the rule rather than the exception.

There are plenty of indications that we're on the road to wage-price stability. Erecting a control network at this late stage would do little good and a great deal of harm.

Q. You say that the Administration intends to stop inflation without causing a recession. "Real" gross national product—adjusted for inflation—is believed to have declined for two quarters running.

Isn't that the definition of a recession adopted by the non-partisan National Bureau of Economic Research?

A. No. To qualify as a recession, an economic slackening must be both broad and pervasive. A whole host of indicators must be headed downward, and this is not the case today.

There is as yet no reason at all for the Administration to back away from our official forecast of a slack in the first half and some expansion in the last half of 1970.

Q. Production is down, unemployment is up, and the stock market is collapsing. Doesn't this mean we're in for another 1929?

A. No. The contrasts between 1929 and 1970 are striking.

In 1929, investors could buy stock by putting up 10 cents on the dollar. During 1969 and until recently 80 cents on the dollar has been required under Federal laws.

In 1929, the international monetary system put together after World War I was drawing its last gasps. It collapsed shortly thereafter, helping to pull all industrial nations into depression.

Today, the international monetary system is the strongest it has ever been.

In 1929, the bank failures that had occurred throughout the 1920's (some 5,500) were a prelude to another 6,700 failures in the next four years. These failures paralyzed the economy.

Today, the banking system is strong, regulation is strict, and deposit insurance of \$20,000 per account protects millions of Americans against the ravages of a financial crisis. This means that a crisis in the banking system won't occur.

After 1929, because of the bank failures, and an inappropriate monetary policy, the money supply had halved by 1934.

This is what really knocked the economy out of bed and pushed our nation into deep depression.

Today we have deposit insurance to protect the banks against devastating runs, and a monetary policy which is now increasing the supply of money, as guarantees against another 1929-34 fiasco.

Anyone who compares today's economic situation and problems with 1929 is doing a disservice to the facts and to the nation.

FACT SHEET: PRESENT STATE OF THE ECONOMY

The economy is currently in a transitional phase. Excess demand has been removed but costs and prices are still rising. A temporary pause in the growth of real output is occurring in the first half of this year. This should be followed by a resumption of growth at a moderate rate in the second half of the year while costs and prices rise less rapidly.

Real GNP (corrected for price change) declined moderately (3 percent annual rate) in the first quarter and may be fairly flat this quarter.

The Federal Reserve Board's index of industrial production edged down (0.4 percent) in April but is about flat for the year.

The rate of increase in the consumer price index has levelled off but is still far too high (6 percent annual rate Jan.-April).

Wholesale price increases have tapered off this year. There was no change in April and the preliminary estimate is for a rather small rise in May (0.2 percent). This is encouraging but industrial commodity prices continue to rise rather steadily (at about a 4 percent annual rate).

Prices are rising and profits are being

squeezed chiefly because of a continuing push from the cost side. There is not much sign of any slackening in wage rate increases and productivity did not rise in the first quarter. As a result, labor costs per unit of output were up sharply (at more than an 8 percent annual rate). This may have been the peak of the cost-push pressure.

The unemployment rate has risen from last year's very low 3½ percent level. In April the rate reached 4.8 percent and there is some chance that it could edge still higher in months to come.

Employment has been fairly well maintained but the labor force has grown rapidly.

The unemployment rate averaged more than 5 percent during the 1960's until the Vietnam buildup began.

An improving employment situation should develop later in the year as growth in production resumes.

The financial markets have been under considerable pressure. Many interest rates are back at or near the levels of late last year. The downside in stock market prices has been substantial. However, there has been a resumption of monetary growth this year which should begin to have favorable effects.

The money supply has expanded appreciably in recent months (6 percent annual rate of growth).

Savings flows to lending institutions have picked up and housing starts have done a little better (but fell back in April).

There are few indications that the production adjustment is likely to go much farther. Recession fears seem to be without any real foundation. Inflation is likely to remain a problem this year and beyond. But the measures now being taken should insure that growth can soon be resumed on a much sounder basis.

J. CRAIG SMITH, A LEADING CITIZEN OF ALABAMA

Mr. ALLEN. Mr. President, Hon. J. Craig Smith, president and treasurer of Avondale Mills, of Sylacauga and Birmingham, Ala., is one of Alabama's leading citizens. Avondale Mills, one of the country's most successful textile mills, has made great contributions to the welfare of its employees and to the economy of our State and Nation.

Avondale Mills publishes the Avondale Sun, of which Hon. Bill Irby, the new president of International Council of Industrial Editors, is editor, and J. Craig Smith is associate editor.

Mr. Smith has just been named Communicator of the Year by the International Council of Industrial Editors, which is indeed a signal honor.

An editorial published in the Birmingham News of June 3, 1970, took note of this honor being accorded Mr. Smith and of his speech on acceptance of the honor.

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

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

COMMUNICATOR OF THE YEAR

J. Craig Smith, who says his claim to fame is that he is "the highest paid associate editor" of a company publication in the United States, has received an award which testifies that his achievements are considerably more impressive than that.

The president and treasurer of Avondale Mills, who is listed as associate editor of the Avondale Sun, the company publication edited by Bill Irby, has been named Communicator of the Year by the International

Council of Industrial Editors (of which incidentally, Irby will serve as president during the coming year).

This is the first time the award has been given to anyone from the South. In prior years it has gone to the chief executives of some of the nation's leading industrial concerns.

In his speech to the ICIE meeting in Pittsburgh at which the award was presented Smith cited America's scientific and technological advances, but noted that "we have retrogressed in our human relations." The starting point in improving our human relations, he added, "must be a re-emphasis on the importance of the individual."

It is a program which embodies that principle—Avondale's "Zero Defects" Program, which stimulates employee motivation through individual recognition—which figured largely in Smith's being singled out for the ICIE honor. Employees honored for outstanding achievement serve on advisory committees which meet with the president regularly for candid two-way discussions, which Smith says, have produced hundreds of valuable ideas for improving the company's products and thus its profits.

This is the kind of "involvement" and "communication" we hear so much about these days, and proves that far-sighted business management can blaze a trail which other areas of society might well follow.

The Birmingham News joins in saluting Avondale's J. Craig Smith. His recognition by ICIE was much in order.

SHAPING THE FUTURE—TOGETHER

Mr. FONG. Mr. President, I ask unanimous consent that the commencement address, "Shaping the Future—Together," which I delivered yesterday to the graduating class at Lynchburg College, Lynchburg, Va., be printed in the RECORD.

In raising some of the difficult and complex questions that college graduates will have to help our Nation answer in the coming years, I asked that their generation and older generations work together to solve America's ills and to work for peace. In so doing, I reminded them, "we act not for ourselves alone, not for America alone, but for the whole human race."

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

SHAPING THE FUTURE—TOGETHER (By Senator HIRAM L. FONG)

President Brewer, Members of the Faculty and Staff, Honored Guests, Candidates for Degrees, Ladies and Gentlemen. May I first extend my greetings in the traditional Hawaiian way—Aloha! With that beautiful word, I can best express the feelings that flow from my heart, for Aloha conveys friendship, goodwill, understanding . . . all the warm and human sentiments.

I am delighted to share this memorable day with you and to have the pleasure of delivering the Commencement Address. I want to convey my heartfelt gratitude for the Honorary Degree of Doctor of Laws which your University has bestowed upon me. To be associated with you as an honorary alumnus of Lynchburg College, one of our Nation's finest educational institutions, is for me a high privilege and a cherished distinction.

I must confess that to receive an advanced degree in so pleasant and easy a manner—without going to classes, without study, without examinations, without anxiety—leaves me with some feeling of embarrass-

ment, knowing how hard and how long you have worked for your degrees. Realizing also that you had to learn three more decades of history and knowledge than I did, I congratulate you all the more for your success in passing your courses and earning your degrees!

My pleasure in being here today is double, for my youngest son is graduating with the Class of 1970. Having endured the trials and tribulations that befall a parent of four offspring from matriculation to graduation, I can assure all parents and relatives in the audience that I empathize completely with you. I also share the joy and pride you feel in the achievements of your sons and daughters who are graduating today.

As you celebrate this momentous event in your lives, I hope you will take time to thank your parents, who have sacrificed so much that you could get a fine education. I hope you will also thank your teachers and all the other people at Lynchburg who have helped you along the way.

If you but reflect a moment, you will realize how very fortunate you are to have had the opportunity to study and mature at this excellent private institution. Thanks to Dr. Josephus Hopwood and his friends, who 67 years ago founded Lynchburg College, and to his successors who labored to build on that foundation, you have had a wide choice of courses and outstanding campus facilities. Best of all from your point of view, it is coeducational!

After you leave here, remember to express your gratitude by making contributions so that Lynchburg College can become an even better school for the students who will follow you.

With the world full of violence and upheaval, isn't it wonderful to be here at Lynchburg, a college where the students and the faculty have been able, in today's vernacular, to keep their cool!

To me, there is a special mental and spiritual therapy just to be present where reason and respect still prevail.

I believe that you have taken the measure of dissent . . . and have opted for constructive, rather than destructive dissent.

Actually, every person is a dissenter, for none of us agrees with the majority on every single issue in today's complex society.

As I have said many times, as long as dissent is within the Constitutional bounds of free speech and peaceable assembly, it is the exercise of cherished rights and I strongly support these rights!

Dissent in time of war is nothing new in our country. In our American Revolution, only about 40 per cent of the people supported the war for independence; 35 per cent supported the British, and the remaining 25 per cent did not feel strongly one way or the other.

In the Civil War, early enthusiasm was followed by disenchantment. In 1863, during drawing of draft numbers in New York, a mob of several thousand attacked draft headquarters. Rioting continued for four days beyond control of police and the military. Eighteen men were killed and a thousand injured. More than 13,000 people were arrested. Habeas corpus was suspended in many areas! In 1864, a group of prominent Republicans organized a "Lincoln withdrawal" movement. Congressional critics set up a committee of House and Senate members to run the war! Lincoln was burned in effigy!

In World War I, the first U.S. troops landed in Europe in June 1917. The war was so unpopular that, only one year later, there were 308,489 known deserters. On September 3, 1918, the FBI attempted a roundup of slackers and in three days seized 50,000 men in theaters, restaurants, street cars, pool halls, and street corners!

Even in World War II, although the attack on Pearl Harbor united the country in self-

defense, unrest grew as the war continued. Juvenile delinquency rose 56 per cent. High school enrollment dropped 56 per cent. Racial tensions increased and there were riots, the worst in Detroit.

The Korean War began in June 1950. Yet only 7 months later, in January 1951, the Gallup poll showed 66 per cent of all Americans were for pulling out of the war! Only 25 per cent said we should not pull out. President Truman's popularity fell to an all-time low of 26 per cent.

In other wars—as now—many Americans wondered if it was worthwhile to continue, in view of the sacrifice of lives, the disruption of our economy and the divisiveness engendered among our citizens.

Time has answered these questions on past wars. We know that the Civil War preserved the Union of States. Of World War II, we know that Neville Chamberlain, who sought to attain peace through appeasement and who came back from Munich a hero—neither won peace nor remained a hero. We know that the overwhelming vote on British campuses for the Oxford peace pledge “never again (to) bear arms for King and Country” completely miscalculated the threat of Hitler to England. We know that your generation has been spared Nazism and Fascism because an earlier generation prevented Hitler and Mussolini from conquering Europe.

We look to history for guidance—not because we are backward-looking—but because we learn lessons from the errors of the past and from the truths of the past. Those who ignore history are tempting fate.

Understandably, today our young people are particularly concerned about the war. My heart goes out to them. For I know something about war. At age 35, I entered the Army in World War II. I know the anguish of families whose men are called to war in Vietnam. My eldest son served in 1967 and 1968 in Vietnam. I have two other sons of draft age who could be called to serve. One is in this graduating class. So I know your special plea for peace.

I believe—with all my heart and with all my mind—that America's withdrawal from combat in Vietnam is irreversible!

We shall withdraw! And we shall withdraw responsibly . . . in a way that will not endanger our troops there . . . in a way which will permit the South Vietnamese to shoulder the burden of their own defense . . . and in a way that will augur peace in Southeast Asia!

I also believe that, even after the war ends, we will still have dissent in America. Other issues will remain to evoke sharp differences of opinion and arouse strong emotions.

Although young people may be more vocal in their hunger for wider personal freedom, more equitable social justice, and greater attacks on poverty, we of the older generations can—and I believe will—work with you, our sons and daughters, toward common objectives.

Each generation has something to contribute to mankind's drive toward human betterment. Your generation, not yet deeply scarred by the frustrations and burdens of decades of responsibility, has energy, vision, determination, new knowledge, and enthusiasm. Your parents and older generations have maturity, experience, practicality and wisdom that come from longer perspective.

The one can complement the other, if we keep open the lines of communication between us and bridge the generation gap.

Still you may find yourself resenting the legacy bequeathed you by your elders—a long war, which although it is deescalating, requires military service for many young men; an environment whose air and water are often badly polluted; civil strife fraught with racism and discontent as America's institutions—educational, govern-

mental, legislative, even judicial—are severely changed; and deep schisms among our people on ideologies, national priorities, even hair styles and dress!

Yours is not the first generation that faced tough problems. Consider the young people almost 3,000 years before Christ. Their world was described on an Assyrian stone tablet as follows: “Our earth is degenerate in these latter days; there are signs that the world is speedily coming to an end; bribery and corruption are common; children no longer obey their parents . . .” Sounds familiar, doesn't it!

When your grandparents and parents were your age, the world was no Utopia! Far from it! Yet they managed to compile an impressive record of accomplishments, of which you are the beneficiaries. They even reached the moon!

They wiped out the fear of such dread diseases as influenza, typhus, diphtheria, smallpox, scarlet fever, measles, mumps and polio. They increased life expectancy by 50 per cent. They cut the work day by one third. They built thousands of elementary schools, high schools, and colleges and made higher education a reality for millions. After enduring the Great World Depression, wherein many knew what it was to be poor, hungry, cold, and frightened, they produced the highest standard of living in the history of mankind—and this bounty—despite admitted pockets of poverty—is shared by a vast majority of Americans.

They fought racial discrimination and began a new era in civil rights. Under the late President Eisenhower, the Congress passed the first civil rights law in 80 years!

Your parents made a start—a late start, to be sure—but nonetheless a start in fighting pollution and repairing and preserving our natural resources.

Your parents and grandparents evidenced a deep social conscience, providing more job security and fringe benefits for workers, more economic security for old people through social security and medicare, more assistance for deprived and handicapped children, more aid for the poor.

Your parents and grandparents helped win two World Wars and twice went to the rescue of free peoples under armed attack from outside their borders, South Korea in 1950 and South Vietnam now.

But you say, “Three wars in less than 30 years. That's a shameful record.” And I say, “Three wars, yes. But your forebears did not start World War II, Korea, or Vietnam.”

It is to their everlasting credit that, by standing up to those who did start these wars, your parents and grandparents routed Nazi and Fascist totalitarianism. They helped transform war-devastated Europe into a prospering community. They saved Greece and Turkey from Communism. They forestalled Communist expansion in Free Europe through the Atlantic Alliance. They helped convert war-shattered Japan into a dynamic democracy, which now ranks as the third major industrial power of the world. They prevented Communist conquest of South Korea and helped build that nation into a viable democracy, which has been able to prevent another invasion by North Korea.

Postwar economic and technical assistance spent by your parents and grandparents for both winners and losers in World War II in Europe and Asia totaled more than 138 billion dollars. Their generosity and humanitarianism are without parallel in human history!

America's efforts in South Vietnam constitute another chapter in our post World War II determination to protect the territorial integrity and self-determination of 18 million friends who have been attacked.

Regardless of how frustrated the American people are now that the war has proved so costly in lives and resources and so prolonged, the record shows that the decision

to go to the aid of South Vietnam had strong support.

Congress voted 504 to 2 in 1964 that “The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in Southeast Asia.”

The Congress voted 496 to 10 in May 1965 for 700 million dollars to help preserve the independence of South Vietnam and to halt communist aggression there.

In August 1965, the Gallup poll showed 61 per cent of the American people agreed the decision to aid South Vietnam was a correct one. Only 24 per cent said it was a mistake.

Our effort in South Vietnam has given Southeast Asia nations time so desperately needed to strengthen their economies and defenses, to modernize their fledgling institutions of government, to effect badly needed reforms, and to build their national identities and independence. They are now better able to resist internal subversion and guerrilla warfare.

There is no question America's presence in Asia helped Indonesia defeat a Communist coup aimed at full take-over of this, the world's fifth largest nation in population. Thailand has become stronger. Taiwan, Singapore, the Philippines all are stronger.

Nationhood is on the upswing and, as the success stories of South Korea, Japan, Taiwan, Indonesia, and Singapore are being written, other Asian peoples have found new hope for the future.

With France out of Asia and Britain in the process of pulling out east of the Suez, if it were not for the United States, there would not be a single major free power standing as a bulwark against Communist aggression in that vast and vital region where more than one half of the world's people live!

Yet some say, “Why should we in America care what happens 10,000 miles away? Why don't we just stay home here and mind our own business!”

I wonder if those who feel that way also feel that we should not care what happens in Europe and the Middle East.

We care what happens in Europe to the extent that we have 325,000 American GIs in Europe today, 25 years after the end of World War II. We care what happens in the Middle East, where we sponsored the State of Israel and where we have given economic and military aid to help maintain the balance of power there.

If it is important to us that Free Europe and the Middle East not fall under Soviet domination, then it is important to us that free Asia not fall under Communist domination, either Soviet or Chinese.

Geography, if nothing else, compels America to be concerned about what happens in Asia and the Pacific area. Our West Coast fronts on the Pacific Ocean. Hawaii—the only State that suffered attack in World War II—is in the mid-Pacific. Alaska is but two miles from Asia!

To abandon Asia and the Pacific would be to abandon our two westernmost States—and that is unthinkable!

Acknowledging our long historical ties with Asian and Pacific nations and stressing our desire for peace in that area is not to say we intend to become perpetual policemen. We do not . . . and we shall not!

What we want—and on this goal I am sure we can all agree—is a peaceful, strong, independent Asian-Pacific community, just as we have a peaceful, strong, independent Atlantic community.

How we achieve this is one of the difficult questions facing all Americans.

As a new generation joining the older generations, you will participate in making the hard choices and the hard decisions as to how best America can work for peace in the Asia-Pacific area and in other areas of the world.

You will participate in formulating answers to a number of urgent domestic, as well as foreign, questions facing our Nation.

How shall we wipe out the persistent poverty that lingers in America? We have the know-how to produce more than enough food for all our population. How can we make sure all of our people will obtain enough for a life-sustaining and life-invigorating diet?

How shall we break the welfare cycle among our poor? How shall we create jobs at living wages, and how shall we train those unemployed persons who are able to work?

How are we going to cope with the population explosion here and abroad, so that children born will be wanted children and so that they will not go hungry or neglected?

How are we going to stop the slaughter on our roads, highways, and streets? There were 56,400 Americans killed in automobile accidents last year . . . four million Americans injured! If you are looking for a humanitarian cause, one that will save lives, here is one you can work on right in your own community!

How shall we clean up our air and our water and protect our communities against noise pollution?

How can we assure that our people are safe on the streets and in their homes?

How do we protect our people against armed attack in these days of intercontinental ballistic missiles, multiple nuclear warheads, and sea-roving missile launchers—and how do we avoid involvement in so-called limited wars?

Do we unilaterally disarm or do we continue relying on defense forces strong enough to deter any potential enemy from attack? Can we reach workable, enforceable agreements to limit strategic weapons? Would we be better off to withdraw into Fortress America, concentrating on our own domestic problems and ignoring the rest of the world? Is isolationism the road to peace for us?

However attractive or nostalgic it may appear to some to return to a simple insulated world, there is no way back for America at this time. Geographically, we are one world. IOBMs and spacecraft remind us of that.

Economically, we are one world. Virtually every basic commodity—coffee, sugar, rice, wheat, meat—is an international "citizen." Scientifically, we know truth is international.

Socially, we know that despite the disparities of culture, language, and race, earth people have common denominators and a human continuity which links us on this planet.

In this day and age, in view of all these ties, isolationism is neither possible nor desirable.

We wonder what the world would be like today if America had persisted in isolation during World War II. A Nazi regime would have gained control of most of Europe. The war might have been brought to our own soil here on this continent.

Suppose we had not helped Berlin break the Communist blockade after World War II. Would all of Germany now be Communist—possibly France, Italy, and the rest of Europe?

Suppose we had not aided South Korea? There is no question that country would have been captured by the Communists. It is not unrealistic to visualize that many Asian nations on the rim of the Pacific would now be under Communist rule. Australia and New Zealand would be threatened. Japan would be threatened.

Suppose we were not helping South Vietnam? It probably would have fallen to the Communist North Vietnamese . . . and Laos and Cambodia as well.

What would this mean to Malaysia, Burma, India, Singapore, Hong Kong, Taiwan, Australia, New Zealand, the Philippines? We cannot say for certain. But we can reasonably assume that guerrilla war

inside these countries would be stepped up and so-called wars of liberation would be encouraged.

Asia and the Middle East have two of the three billion people of the world. One billion are already under the domination of Communist dictators in the Soviet Union and Mainland China.

The other one billion people in Israel, Turkey, India, Indonesia, Malaysia, the Philippines, Taiwan, Japan, Australia and New Zealand are not under Communist domination.

The only countries with major military strength in Asia are the Soviet Union, Red China and the United States.

What about Japan, which by treaty is prohibited from having any army, navy, or air force? Japan is the third greatest industrial nation in the world. If we withdraw from Asia, what happens to Japan which now cannot defend herself? It is reasonable to conclude that, if Japan's advanced scientists and technicians and industrial capacity are under Red China's domination, we will see submarines, tankers, and IOBMs in Red China's arsenal far sooner than otherwise.

What about the Philippines? Will they be threatened? What about Australia? Can India withstand the atomic and hydrogen weapons of Red China or the Soviet Union? Not now . . . and neither can any other Asian nation.

Where do we set the geographical perimeter of America's national interest?

A small island nation, without the benefit of atomic bombs, IOBMs or nuclear ships, was able to deal a devastating blow to America by bombing our naval forces at Pearl Harbor almost 30 years ago.

Today the world we live in is far more dangerous than it was in 1941. Will isolation protect us from these dangers?

Or is it a more viable course, to assist non-Communist nations to become strong enough economically and militarily to deter aggression against them. We would not fight their wars, but we would enable them to defend themselves if they are attacked.

The economic, political, as well as military strength of the NATO countries has served to deter war in Europe since 1945.

Similar strength is needed to deter war in the Asia-Pacific area and in the Middle East.

We helped Europe get on its feet and for 25 years, these nations have not had war. It required billions of U.S. dollars and we still have 325,000 American soldiers stationed there. But at least we have not been engaged in a shooting war in Europe.

Would isolation from Europe after the war ended in 1945 have brought this peace for us and for them?

Now the question is, how can we achieve peace in Asia and the Middle East.

It would be gratifying if America could retire from her front leadership role, as Britain and France already have. They are not called to fight in far-off lands. They are not the targets of international criticism. They enjoy their domestic felicities. And they do not appear unduly alarmed about possible armed attack against themselves. After all, they are sheltered by the U.S. defense umbrella.

Britain and France can retire to second place because there is still a powerful free nation in leadership position—the United States.

If we retire into isolation, who will there be to protect us?

If we withdraw now from world leadership into isolation, the Soviet Union will be in the top spot. And the Soviet Union desires to preside over a world which is quite horrible to contemplate.

If we abandon Asia, what will make us convincing in the Middle East when we tell the Soviet Union that we desire a balance of power there which includes the survival of Israel?

What will make us convincing in the Organization of American States when we work for reform and stability in Latin America?

After we wash our hands of Asia, what will our partners in Europe conclude when the Soviet Union presses its advantage and elaborates the Brezhnev doctrine to authorize the occupation of West Germany?

I ask these questions because they help show what a complex and interrelated world we live in. And they help show the very difficult questions you will have to help decide in the years ahead.

Manifestly, the road to the kind of peace your generation wants and the peace all Americans want is a bumpy, winding, rough road with many forks and many dangerous intersections.

You, the new generation, along with the older generations, will have to answer these questions that will confront America.

It is your future that is at stake . . . it is our future.

It is your world . . . it is our world. Let us then—together—work to end poverty and bring dignity and self-respect to all Americans.

Let us—together—clean up our precious and priceless environment.

Let us—together—pursue the struggle against killing and crippling diseases.

Let us—together—stop the senseless massacre on our highways.

Let us—together—work for a strong, free, viable, Asia-Pacific community, just as a previous generation worked for a strong, free, viable Atlantic community.

Let us—together—toll for peace everywhere, at home and abroad.

Let us—together—work for the brotherhood of man under the fatherhood of God.

Let us shape the future—together.

Let us not waste our time and dissipate our energy fighting each other.

But let us—together—fight the age-old enemies of mankind—poverty, ignorance, disease, hatred, war.

In so doing, we act not for ourselves alone, not for America alone, but for the whole human race.

Thank you and Aloha.

ENDANGERED SPECIES IN THE BIG THICKET: RED-COCKADED WOODPECKER

Mr. YARBOROUGH. Mr. President, there are many reasons why the Big Thicket must be preserved for the people of the Nation. On many occasions I have spoken on the beauty and wonders of the Big Thicket.

One reason why we must save the Big Thicket is that it is the habitat of several of the rare birds and animals which are in danger of becoming extinct.

One of these endangered species is the red-cockaded woodpecker. This beautiful and unique bird is struggling for survival in the Big Thicket. The red-cockaded woodpecker, *dryobates borealis*, is one of the smallest and least known of the southern woodpeckers. The distinguishing characteristics of this bird are its small size, the black and white horizontal stripes on its back, white cheeks and under parts, and black streaked flanks. It has a black cap and a black stripe on the sides of its throat, and a black neck. The male has a small red spot on each side of its black cap.

The bird's status is rare and endangered because of its unique nesting habits. The red-cockaded woodpecker nests and rears its young in the trunks of living pine trees. No other woodpecker requires

live-tree nests. This woodpecker only nests in old living pine trees, infected with red-heart disease. Present forestry practice is to eliminate such trees, and this will ultimately eliminate this rare woodpecker.

You can recognize a nest tree at considerable distance by the streaks of white pitch marking the trunk. Pitch oozes from the nest hole and from the deep horizontal notches chiseled in the bark above and below it. Ornithologists say the sticky pitch repels would-be predators and traps insects the woodpecker feeds on.

While the Forest Service has initiated a program of attempting to save the recognized nest-trees in our national forests, we must do more to assure a continually favorable habitat for these rare woodpeckers.

It is essential that we act now to preserve the Big Thicket as a national park for the benefit of the people of the Nation, and to preserve the habitat of the red-cockaded woodpecker, one of the several endangered species which resides in the Big Thicket.

BISHOP PROCESSING CO. CHICKEN RENDERING PLANT CLOSED

Mr. BOGGS. Mr. President, this past week marked a significant event in the Nation's fight against air pollution. The first case brought under the Clean Air Act of 1963 culminated in the closing of a chicken rendering plant in Bishop, Md. This event will bring to the residents of nearby Selbyville, Del., air that is free of the stench of a chicken rendering process.

It may prove instructive if I can recount for the benefit of Senators some of the history of this landmark case. This case has importance in the law, and it has importance as an example of the perseverance of citizens seeking redress through their government.

The case began in 1955, when the Bishop Processing Co. opened a chicken rendering plant in Bishop, Md. The plant rendered waste chicken parts, turning this material into feed supplements and fertilizers. It is worth noting that these waste chicken parts are known as offal. That word is pronounced the same way it smells—awful.

Newsweek magazine once used this description in reference to Selbyville:

(An) obnoxious atmosphere envelops the town with the consistency of a damp blanket and the aroma of rotten flesh.

When the breeze came from the south, these odors assaulted the citizens of Selbyville, Del. Yet, it was an assault for which the residents of Selbyville had no legal remedy at first. The State line divided the citizens of Selbyville from the odor source.

Several unsuccessful attempts were made to reach a settlement in the 1950's. Then in 1963, I had the honor to cosponsor with many Senators the Clean Air Act. The Subcommittee on Air and Water Pollution, on which I have the honor to serve as ranking Republican member, reported this legislation, which became Public Law 88-206.

The legislation gave to the Secretary of Health, Education, and Welfare the authority and responsibility to act in cases of interstate air pollution endangering health and welfare. Dr. Floyd Hudson, chairman of the Delaware State Board of Health, advised the Department of Health, Education, and Welfare in mid-1965 that residents of the State were endangered by air pollution originating from the Bishop Processing Co. rendering plant.

Under the Clean Air Act, the Secretary of Health, Education, and Welfare on November 9-10, 1965, summoned a conference to study the air pollution problem. This conference heard evidence of the damage as a result of pollution from the Bishop plant to businesses in Selbyville and the prospect for industrial growth. The periodic stench undermined the property values. Many Selbyville residents reported constant nausea at the times of the smell. It may be significant that Selbyville had been the only town in the rapidly growing State of Delaware that has reported no increase in population recently.

Under section 5 of the Clean Air Act, the Department of Health, Education, and Welfare then recommended methods for curbing the pollution. Under the plan developed at the November 1965 conference, the Bishop Processing Co. promised to install effective control equipment by September 1, 1966.

This equipment was not installed. Under the provisions of the Clean Air Act, the Secretary of Health, Education, and Welfare then summoned a public hearing on the case. The company again failed to take prescribed corrective steps.

So the Justice Department filed suit against Bishop Processing Co., the first suit under the Clean Air Act. It asked the courts to order Bishop to halt operations or install pollution control devices. The company agreed, in a consent decree, that it would clean up its pollution or cease operation.

But the company continued its uncooperative tactics, and the citizens of Selbyville continued to suffer. The Government went back to the court with evidence of pollution from the Bishop Plant. But in March 1969, U.S. District Court Judge Roszel C. Thomsen, of Baltimore, described the documentation as inadequate.

So many residents of the Delaware community last summer maintained logs of odor occurrences to document their case. With these records as well as physical documentations prepared by experts, Judge Thomsen last October ordered the plant to cease all manufacturing and processing operations. On appeal, Judge Thomsen's order was upheld by the Supreme Court.

The culmination of this long and tortuous case occurred at 3 p.m. last Thursday, when the U.S. marshal placed a sign on the plant announcing its closing.

But the citizens of Selbyville had to suffer to the last. The odor that assaulted the town the evening before the plant's closing was described by the residents of Selbyville as the worst in a long, long time.

They pulled out all the stops—

Mayor Carl P. Lekites, Jr., mayor of Selbyville told me last week—

It was rank. I guess they were finishing up a batch.

It is to be hoped that this case, so long and frustrating, will serve as an example that will save other Americans in other towns from the shroud of pollution. It is to be hoped that other companies will not prove so insensitive to public welfare as the Bishop Processing Co.

Yet, I must add my hope that other communities will, in times of adversity, demonstrate the perseverance and community action shown by the citizens of Selbyville.

This case demonstrates that citizens can and will be heard in the protection of the rights for a good environment.

IT IS NOW 197 DAYS WITH NO ACTION FROM THE JUSTICE DEPARTMENT IN THE FITZGERALD CASE

Mr. PROXMIRE. Mr. President, it has now been 197 days since I first wrote to Attorney General Mitchell, requesting an investigation of the Air Force's handling of the Fitzgerald case.

Ernest Fitzgerald, the former Air Force cost-efficiency expert, was threatened and intimidated by the Air Force both before and immediately after he testified to the Joint Economic Committee about the vast overruns in military weapons procurement. His ultimate payoff for his candid testimony to Congress was dismissal from his job.

Although it is a clear violation of the criminal code to "influence, intimidate or impede" a witness who is appearing before a congressional committee, or to "injure" a witness on account of his having appeared—18 United States Code 1505—the Justice Department to date has not made a single move toward prosecuting those who perpetrated this crime.

Nor does it now appear likely that any action will be forthcoming from the Justice Department—at least, not in the foreseeable future. I have just had a reply from Assistant Attorney General Will Wilson indicating that the Department contemplates no action whatsoever in this case until a civil case before the Civil Service Commission involving Mr. Fitzgerald is completely wrapped up.

Just what one case has to do with the other completely escapes me. One case is civil, the other is criminal. One case involves an action for reinstatement and a request for back pay, while the other involves the commission of a crime punishable by up to 5 years in jail and a \$5,000 fine. Even if the Commission grants the request for reinstatement, this would not expunge the crime in any way. Is a bank robber's crime expunged if he returns the money?

Just how long does the Department expect to wait in this case? For example, suppose the Civil Service Commission case is appealed from the hearing examiner to the full Commission. Does the Justice Department plan to await the outcome of that appeal before proceeding? Or suppose the case is then appealed

to the U.S. district court: Will the Department continue to stand idly by and wait?

Mr. President, just how long does the Department of Justice intend to wait in the wings on this case?

Mr. President, I ask unanimous consent that the Department's letter of June 4, 1970, be printed in the RECORD.

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

JUNE 4, 1970.

HON. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This is in further reference to your letter of April 16, 1970, relating to Mr. Warren Z. Weinstein, an employee of Project Crossroads, and to your letter of June 1, 1970, concerning Mr. A. Ernest Fitzgerald, a former employee of the Department of the Air Force. We have kept in touch with developments in both of these matters.

With reference to Mr. Weinstein, the facts show that Mr. Weinstein's services with Project Crossroads were not terminated on April 15, 1970, as indicated in the memorandum from Mr. Leon G. Leiberg, dated April 1, 1970; rather the proposed personnel action was modified and Mr. Weinstein was placed on leave with full pay for three weeks. On May 27, 1970, we received written evidence showing that Mr. Weinstein returned to active duty with Project Crossroads without prejudice or loss of pay or privileges. These facts, in our view, do not afford a satisfactory basis for a successful prosecution under 18 USC 1505 or any other Federal law.

Concerning the matter involving Mr. Fitzgerald, our records reflect that we submitted progress reports to you on this matter on December 30, 1969 and February 18, 1970, and on the latter date you were advised that we planned to obtain and review any transcripts or rulings prepared by the Civil Service Commission on Mr. Fitzgerald's appeal to the Commission regarding the Air Force action in abolishing his position. As you know, the issue of whether Mr. Fitzgerald, like Mr. Weinstein, is legally entitled to reinstatement to duty with the Air Force may be resolved in that proceeding. Accordingly, in order to insure fundamental fairness to Mr. Fitzgerald in connection with his present appeal, further comment, or action by the Department at this time, is believed inappropriate.

Please be assured, however, that at the conclusion of the proceedings before the Civil Service Commission, the Department intends to review the transcripts as well as any other evidence submitted relevant to this matter.

Sincerely,

WILL WILSON,
Assistant Attorney General.

SUPPORT FOR THE PRESIDENT

Mr. DOLE. Mr. President, the tremendous support that President Nixon is receiving for his Vietnamization program is demonstrated by the wide range of Americans who back him. From business executives to construction workers, strong vocal support continues for the President's policy of disengagement in Vietnam.

The noted labor columnist, Victor Riesel, recently pointed out the strong backing that the administration is receiving from the labor movement.

Mr. President, I ask unanimous con-

sent that Mr. Riesel's May 25 column be printed in the RECORD.

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

NIXON ON THE PHONE: SOME LABOR SWINGING TO NIXON-AGNEW—NOW PLANNING MASS MARCH ON WASHINGTON TO BACK THEM

(By Victor Riesel)

NEW YORK.—Until last Thursday, the only other call from an American president ever received by the quicksilver bantam longshoremen's chief, "Teddy" Gleason, came away back in 1961. It was Jack Kennedy. He asked Mr. Gleason to call off a waterfront strike. Irish tempers sputtered. The dock-walloppers' leader said no.

Last Thursday evening, at 6:20 to be exact, Mr. Gleason got his second presidential phone call. It was Richard Nixon. The President, in effect, urged Mr. Gleason to strike out for peace by backing his Indochina policy with further demonstrations such as that which had filled City Hall Square with more than 150,000 working unionists the previous afternoon. "Teddy" Gleason listened to five minutes of cool and calm presidential briefing on enemy material captured in Cambodia. Then Mr. Gleason said yes, there would be other affirmations of support.

A few minutes earlier President Nixon had spoken to the number one "hard hat," Peter Brennan, by long distance phone. Mr. Nixon had thanked him for organizing the massive demonstration. "Pete" Brennan listened and then told the President the building and construction workers were with him on foreign policy "all the way."

Mr. Brennan, of course, cannot speak for all the nation's hard hats—or labor. There are hundreds of influential labor leaders, such as the head of the Western Conference of Teamsters, Einar Mohn, and construction union chiefs who are for swift withdrawal of American troops from Vietnam and Cambodia. Among these leaders are ironworkers, carpenters, boiler-makers, painters—the counterpart of those who drew 150,000 into the line of march here under the most concentrated collection of flags ever carried in a parade. There is no doubt of the prestige and influence of Mr. Mohn and others opposing Mr. Nixon's foreign policy such as the United Automobile Workers, meat cutters and butcher workers, teachers, et al.

But they are in a minority—albeit a vocal one since among them is Jerry Wurf's militant municipal employees union.

The power and, for the moment at least, the glory are with Mr. Brennan and such colleagues as Ted Gleason.

They are organizational pros—and no doctorate has yet been written to match their virtually instinctive sense of strategy despite their lack of formal education.

Now they plan to set themselves up as ad hoc, as did the New Mobe. They are analyzing their chances for putting half a million workers in Washington, D.C., with a mass march on the capitol.

And if they lobby—as they do each year when they put 4,000 delegates into one mammoth legislative session—the Congress will know it has been lobbied. And if they demonstrate in the general area of the White House, the President will not need to strain himself to hear their roars. But if they can't get half a million, they won't go in.

However, the drama of the hard hat—critics of which are trying to turn it into a totalitarian steel helmet symbol—has obscured the full significance of the workers' own mobilization.

The men who organized the demonstration, and who are planning other shows of strength as proletarian street people, are the inner complex of labor's Committee on Political Education (COPE).

Certainly there are other sophisticated

political unionists such as the ladies' garment workers' Lou Stulberg, who is an apple pie as well as a bread and butter labor leader. Mr. Stulberg is a progressive Democrat and disagrees sharply with Mr. Nixon. But it was the hard hat 3.5 million-member building and construction trades combine—with their allies such as the building service unions—which developed the 1968 infra-apparatus wherever the Democratic Party machinery collapsed. And the party had big enough physical and financial holes in it through which you could move the Houston Astro-dome.

Now many of these workers—obviously polarized by the neo-left extremists as well as the legitimate dissenting demonstrations—are warming up to Mr. Nixon and to Spiro Agnew. And all this has the Democrats liberal labor bloc considerably disturbed.

Slowly labor invitations to speak to open a medical center, to attend an officer's installation are being extended to the Vice President. If this swing to a rapprochement with the Nixon-Agnew alliance develops as it is, it will be difficult for the COPE to whip up antagonism, money and manpower for the fall assault on the Nixon-Agnew team.

It could cost some antiwar Congressional candidates their seats in both houses. Labor's political specialists believe they already have lost one powerfully placed ally—Ralph Yarborough, chairman of the key Senate Labor and Public Welfare Committee, his strategic position.

At the last AFL-CIO Executive Council session in Washington two weeks ago, COPE chief Al Barkan delivered a confidential 45-minute analysis of the Texas senator's defeat in the primaries. When Al Barkan is with his peers (and chief) he isn't the whiz-bang propagandist of the hustings. He's a realist. And he said that Sen. Yarborough had turned off many labor, liberal and ethnic groups by backing the antiwar moratorium. Also, said Barkan, Mr. Yarborough had been outspent. But basically it was the senator's pacifist position. As an example, political strategist Barkan cited one county which labor always carried by a majority of thousands. In the May 2 primary, candidate Yarborough carried it by only some 90 votes.

And now the labor movement seems to be swinging from a hate-Nixon posture to at least benign neutralism. The President would gain even from benign neglect.

If the liberal-labor coalition loses a handful of seats in both houses, the entire industrial relations picture changes like a portrait of Dorian Gray.

Indeed there is significance in what develops with the labor men for whom Mr. Nixon's telephone bell tolls.

GALLUP POLL SHOWS PRESIDENT'S POPULARITY UP AGAIN

Mr. HANSEN. Mr. President, the Gallup poll continues to show solid support in the United States for the way President Nixon is doing his job. The President's rating with adult Americans has steadily climbed over the past several months, from 56 percent support prior to the attack on Cambodian sanctuaries to 57 percent shortly after that positive action, to 59 percent in the latest tabulation.

While the Louis Harris poll has been consistently lower than the Gallup poll, I notice this morning that it, too, gives the President majority support. Even if we split the difference between the Harris 51 percent and the Gallup 59 percent, it still gives President Nixon 55 percent support nationally.

The Gallup poll does not need much

comment; the figures tend to speak for themselves. They point up, however, one important aspect of modern America: There is a loud minority which is apparently very much at variance with what most Americans feel.

One further comment, and this does not concern the poll itself but rather the way a morning newspaper yesterday handled the story. The paper carried the headline: "Nixon Gains Support Despite Cambodia."

The figures belie that headline. May it not really be that President Nixon is gaining support because of Cambodia, not despite it?

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

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

THE GALLOP POLL: NIXON GAINS SUPPORT DESPITE CAMBODIA

(By George Gallup)

PRINCETON, N.J.—President Nixon has registered steady gains in popularity over the last two months. In the latest survey, completed prior to his report to the nation last Wednesday on Cambodia, 59 per cent of adults expressed approval of his performance in office.

The previous survey, conducted soon after the President's announcement on April 30 of his decision to send troops into Cambodia, showed him with an approval rating of 57 per cent, up a point from his pre-Cambodia rating. The President's ratings have climbed steadily since late March when his popularity had hit its low point to date, 53 per cent approval.

The high point, 68 per cent, was recorded after his speech last Nov. 3 in which he spelled out his plans for troop withdrawal.

One factor helping to explain the latest survey result is the overwhelming (5-to-1) opposition of the adult population to recent student strikes that focused on Mr. Nixon's Cambodian action.

Another factor that undoubtedly is helping sustain the President's approval rating is his policy of "Vietnamization"—the staged withdrawal of U.S. troops as South Vietnamese forces are trained to take over the fighting. This plan has been popular with the American people for more than four years, as reported in numerous Gallup Poll surveys.

President Nixon is accorded a higher popularity rating than his predecessor, former President Lyndon B. Johnson, at a comparable point in time.

A year and a half after President Johnson took office, in January, 1965, for his first full term, his approval rating stood at 47 per cent. Shortly after Mr. Johnson began his second term, the U.S. greatly stepped up its commitment in Vietnam.

A total of 1,509 adults were interviewed in person in the survey that covered more than 300 scientifically selected localities across the nation. Field work was undertaken May 22-25. Following is the question asked and the trend since January:

DO YOU APPROVE OR DISAPPROVE THE WAY NIXON IS HANDLING HIS JOB AS PRESIDENT
(In percent)

	Approve	Disapprove	No Opinion
May 22 to 25.....	59	29	12
May 2 to 5.....	57	31	12
April 17 to 19.....	56	31	13
March 20 to 22.....	53	30	17
Feb. 28 to Mar. 2.....	56	27	17
Jan. 30 to Feb. 2.....	66	23	11
Jan. 16 to 19.....	63	23	14
Jan. 2 to 5.....	61	22	17

President Nixon's popularity is greatest among whites living in the South, where approval outweighs disapproval 3-to-1. The President is least popular with Negroes, with disapproval outweighing approval by a 2-to-1 ratio.

The larger the community or city, the more likely the resident is to disapprove. In cities of one million people or more, 50 per cent express approval of the President's performance in office. In the smallest communities of the nation—those under 2,500—67 per cent voice approval.

THE CRISIS IN VETERANS HOSPITAL AND MEDICAL CARE

Mr. YARBOROUGH. Mr. President, on Friday, May 30, 1970, Memorial Day, a grateful Nation paused to pay tribute to men who have given their lives in defense of the United States. Unfortunately, in such tributes, we often overlook the many living veterans who have been crippled and maimed in these wars. More than 275,000 Americans have been wounded in the Indochina war. Approximately 50 percent of these men have suffered wounds which require hospitalization. The majority of these wounded veterans require the medical and hospital services provided by the Veterans' Administration.

During the past wars, we could take pride in the fact that our wounded veterans received the best hospital and medical care in the world. Unfortunately, that has not been the case during this tragic war. The VA has not received the funds it desperately needs to hire the medical personnel necessary to staff the 166 Veterans' Administration hospitals and 202 outpatient clinics and to construct new hospital facilities and improve existing ones to accommodate increased patient load. Consequently, many of our wounded veterans are not receiving the same standard of care that patients receive in community hospitals throughout the country.

The Veterans' Affairs Subcommittee of the Senate Labor and Public Welfare Committee, under the chairmanship of the distinguished junior Senator from California (Mr. CRANSTON), has for the last 6 months conducted extensive hearings on the standard of medical care being furnished to our wounded veterans by the Veterans' Administration. Based on the findings of the subcommittee, Senator CRANSTON has recommended that the appropriations for the Veterans' Administration for 1971 be increased by \$189 million. Approximately \$174 million of this request would be for the Veterans' Administration medical and hospital programs. As chairman of the Labor and Public Welfare Committee and a member of the Appropriations Committee, I am giving my full support to this request for additional funds. I believe that all our veterans owe Senator CRANSTON a vote of thanks for awakening the conscience of the country to this pressing problem.

Mr. President, two recent newspaper articles have described the crisis in the Veterans' Administration medical and hospital programs. Because of the importance of the subject, I ask unanimous consent that the article entitled "Medicine's War Role," written by Howard A.

Rusk, M.D., and published in the New York Times of May 31, 1970, and the editorial entitled "Memorial Day, 1970," published in the morning edition of the Los Angeles Times of May 29, 1970, be printed in the RECORD.

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

[From the New York Times, May 31, 1970]

MEDICINE'S WAR ROLE: AID SPEEDED TO WOUNDED IN VIETNAM BUT VA SUFFERS LACK OF PERSONNEL

(By Howard A. Rusk, M.D.)

The Army, which accounts for more Vietnam war casualties than any other service, reports that more than 81 per cent of its wounded are surviving in Vietnam, compared with 74 per cent in the Korean War and 71 per cent in World War II.

Thus far, about 237,000 men in all the United States armed service in Vietnam have been wounded and have survived. About half the 237,000 had injuries so minor that they did not even require hospitalization.

In the case of the more severe wounds, the Army Surgeon General's office says that it is too early to make a "definite" assessment of the long-term effects.

However, after interviews with doctors and seeing some of the patients there is no question about the severity of the patients' wounds.

The speedy evacuation by helicopters of the wounded to forward aid stations averages about 17 minutes. This is the primary life-saving factor for the severely disabled.

The Army says the category of "many multiple wounds" in which there was no single predominant location includes 20 per cent of patients in Vietnam, compared with only 2 per cent in Korea and 3 per cent, in World War II.

DURATION OF TREATMENT

Among the wounded Army personnel in Vietnam who are admitted to medical facilities, the average duration of treatment has been approximately 65 days a case. The corresponding figure for the Korean War was 93 days and for World War II, 129 days.

In Vietnam 2.5 per cent of the wounded Army personnel admitted to medical treatment facilities have died of their wounds. This is numerically similar to the 2.5 per cent recorded for the Korean War, but markedly lower than 4.5 per cent for World War II.

For example, the number of Army personnel with major amputations resulting from wounds who were admitted to amputation centers in this country represented 2 to 2½ per cent of the total hospitalized wounded. So far, for Vietnam the corresponding proportion is about 1 per cent.

Of the total numbers of surviving wounded, the percentages were 70.7 during World War II, 73.7 in the Korean War and 81.4 in Vietnam.

CUT IN ADMISSIONS

Even though the terrain in Vietnam has been the most difficult in any war with all types of exotic tropical diseases, endemic hospital admissions in Vietnam for disease and known battlefield injury have been 25 per cent lower than in the Korean War and less than half the rate for the European theater, in World War II.

These figures are heartening and great credit goes to our medical services. However, figures are cold and if one has the opportunity to see first-hand the more than 7,000 soldiers separated from the service for disability or those now in Vietnam and United States military hospitals, the problem would be put in bold perspective, more graphically than any figures can ever tell.

One of the most severely wounded men

ever reported in medical history was that of an 18-year-old Vietnam veteran.

He was in combat less than two years when a high-velocity shell took away his one kidney, several feet of his intestinal track and half of his pelvis. He would have been dead had it not been for the helicopter.

After hours of surgery, gallons of blood and tremendous doses of antibiotics his life was saved.

UNUSUAL SURGERY

After more than a year of hospitalization it was determined that he would never have any real life because of continuing bone infection and complications without the most radical surgery procedure known to medicine, a hemipelvectomy, the removal of half of his body. It was done, and he survived—the third such patient in medical history and the first war casualty to survive such surgery and be rehabilitated.

In spite of his tremendous problems, he had the great desire to live. He was fitted with new modern prosthesis. He learned to walk, go up and down steps, was taught to drive a car and in less than six months after his surgery, returned home to go back to school. It's easy to forget, but after World War II there were no rehabilitation services in the Veterans Administration. Everything started after 1945.

The VA now has an excellent hospital complex with special centers for spinal cord injury, brain-injured patients, the blind, amputees, with services including vocational and educational counseling, psychological evaluation, vocational and educational training guidance, available for these severely disabled men. They have the hospitals, they have the equipment, but they just do not have enough people or funds to get them.

Recent hearings by the chairman of the Subcommittee of Veterans Affairs, Senator Alan Cranston, have brought out the tragic lack of personnel in the Veterans Administration, the inadequacy of its present job and the amount needed for its adequate support.

These boys who have lost their limbs, had their extremities paralyzed and their brains damaged in an unpopular war thousands of miles from home deserve everything that a grateful nation can give them, regardless of how one feels about the war. This fact is self-evident.

The Veterans Administration must have adequate financial help now if it is to provide "medical care second to none."

[From the Los Angeles Times, May 29, 1970]
MEMORIAL DAY, 1970

(Issue.—In these difficult times of national dissension, about the war, how might one appropriately mark Memorial Day?)

This will be the saddest of Memorial Days. More than 42,260 American servicemen have died in Indochina, and the war continues. And as it continues, the country remains divided as to whether it should continue.

There once was a time—it seems long ago now—when Memorial Day was an occasion on which the nation could unite in paying honor to the men who died in service to a cause all of us agreed was just. But tomorrow the profound disagreements that wrack the country over this present war will appear in Memorial Day commemorations: there will be antiwar rallies, and there will be demonstrations in favor of the Administration's policy in Vietnam. Such is our condition that Memorial Day has become political.

But we suggest that, just for a moment or two, we all set aside our feelings about the war and think about those who have died there.

They fell in obedience to a great working principle of this democracy: that there are times when this country requires its citizens to risk their lives, and to lose them, in

defense of the nation. To those who gave their lives at the will of their fellow citizens the nation has always paid most solemn tribute. How much more profound is the honor due now to the memory of those who have fallen in dutiful service to a nation uncertain of its purposes.

We suggest also that Memorial Day be taken as the occasion to think a little about those who went and came back, but came back dreadfully hurt in spirit or body. It has always been another principle of this democracy, as Lincoln said, "to care for him who shall have borne the battle."

This war has seen the best care for the wounded of any war. On the battlefield and in the military hospitals the nation has provided extraordinarily good medical services. But the Senate subcommittee chaired by Sen. Alan Cranston (D-Cal.) has been raising troubling questions about the quality of the care provided those wounded men, and veterans of other wars, in the hospitals of the Veterans Administration. To date 275,000 men have been wounded in Vietnam; one in seven will undergo some treatment in a VA hospital.

That care is deficient in at least some hospitals has been established.

What is self-evident, we believe, is that this country can do no less than to give, without stint, the best care that can be had to the men wounded in Vietnam. If money is the problem, why then the money must be supplied. We have plenty of it for lesser things.

In thus caring for the living, we honor the dead.

CAMBODIA OPERATION

Mr. FONG. Mr. President, I ask unanimous consent that a speech on the Cambodian operation which I delivered last week before the Honolulu County Medical Society be printed in the RECORD.

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

CAMBODIA OPERATION

(Statement of U.S. Senator HIRAM L. FONG)

It is a pleasure to be here with you this evening. It is good to be home, to greet old friends, and to make new ones.

We all know that the times are more than usually serious, and that we must face the crucial issues posed by the Indochina War. As a United States Senator, I think I would be remiss were I to forego this opportunity to discuss these matters with you and with the people of Hawaii.

As traumatic as the events of recent weeks have been, I believe future constitutional scholars may find much to write about concerning the constitutional questions that have been raised. Congress and the Nation are currently grappling with basic constitutional questions of Presidential and Congressional prerogatives. The power to involve our nation in war, once securely within Congress' grasp, for all practical purposes has been exercised in our time by the President of the United States. We must now determine whether Congress should reclaim some of this power, and, if so, how.

Looking back with the benefit of hindsight, I believe that the Congress has abdicated its Constitutional duty to take a real part in the decisions that lead the nation into war.

I am not prepared to say just how far we must go to right the balance. This is not a matter to be decided lightly or in haste. In our Constitution, the Presidency as structured to provide a single focal point for decision; its strength is the capacity for speed, decisiveness, and for providing day-by-day control of operations. The Congress, on the other hand, operates through deliberation and compromise among many equals.

This suggests to me the broad outlines of a sound division of powers. The President must remain in full control of military operations; there can be no meddling by Congress in those areas that require speed, decisiveness and often secrecy. Where a decision entails momentous changes in the nation's course—I am thinking, for example, of an open-ended commitment that could lead to armed conflict—the Congress should insist upon its right not only to be fully informed, but to give its assent before the nation is irrevocably set upon a new course.

There may be occasions when there is too little time for full Congressional participation in even major decisions. An atomic confrontation would be one such. Drawing the line between major decisions and less important ones will be extremely difficult in practice. But we must begin to wrestle with these problems, for until we solve them we will continue to bring less than our full measure of wisdom and responsiveness to some of the most important decisions we must make as a nation.

Of course, these Constitutional problems are not before us in any abstract way. As you all know, amendments have been introduced in the Senate that would use Congress' power of the purse to cut off necessary funds unless the President conducts the war in a certain prescribed fashion.

I have spoken out against the Cooper-Church Amendment and I will oppose the McGovern-Hatfield Amendment, which would force the President to remove all United States troops from Vietnam on a rigid predetermined schedule.

I will oppose any attempts to circumscribe the President's powers as Commander in Chief of our armed forces when we are at war.

I am sure that the proponents of these amendments are sincerely concerned with the Constitutional problems that I have been discussing with you. They might be surprised at the areas of agreement that I have with them on these broad issues.

But they ignore one vital fact: we are not talking of a choice of whether to enter a war, we are already at war and have been for years. This war may not be a *de jure* war—one declared by the Congress—but few would argue it is not a *de facto* war—a war in fact.

Since coming to office, President Nixon has withdrawn over 115,000 troops from the more than half a million that were in Vietnam. He has pledged to withdraw another 150,000 men by April, 1971.

It is the President's responsibility, and his alone, to insure the safety of our fighting men while these withdrawals are under way. This may often require quick decisions, and decisions that cannot be debated publicly in advance. We cannot infringe on the President's right to make these decisions without jeopardizing the lives of American fighting men.

The proponents of the Cooper-Church Amendment, which basically would forbid the President to retain American troops in Cambodia after July 1, argue that they only wish to write into law the timetable that the President himself has set up. You don't have to be a constitutional scholar to know what that means. These men would have the Congress say, Mr. President, we have heard what you said, we have heard your pledge to limit American participation—but we don't trust you. Besides, we have so construed your constitutional powers in this instance as going no further than what we say it is, even to the point of your not being able to protect your own troops.

I will not be a party to any such slur on the credibility of the President before he has had a chance to prove he is credible, nor will I restrict his constitutional powers so as to endanger the lives of our 400,000 men in Indochina.

Throughout the weeks since the President's

April 30 speech, students have thronged to my office, as they have to those of every political official in Washington. The mail has been so heavy that the postal facilities have fallen days behind. I have seen group after group of these visitors and read many hundreds of letters.

The message has been simple: End the war! Here are some examples:
 "No more Kent States. No more Vietnams. I urge you to vote against the war, now!"
 "Please support the Amendment to end the War."

"War is immoral."
 "I vote for peace."

The level of emotional involvement is high. One letter tells of a California student who deliberately burned himself to death, wearing a sign that said, "In God's name, end the war!" Another from a school-mate of my college-age children, Marvin and Merle-Ellen, asks me to imagine them being killed at Kent State or in Vietnam.

I join wholeheartedly in the longing to see an end to this war. I know of no American who favors the war in Vietnam or Cambodia. I know how it affects students, their parents and their loved ones. It affects me in the same way, as a father whose oldest son has already served in Vietnam, and whose two other boys may follow in his footsteps if the war continues. But I cannot accept the easy answer that we must give up precipitously. The hard truth is that running from a problem doesn't solve it. When the inevitable reckoning comes, the cost of irresponsibility is tragically higher than that of acting resolutely and with respect for our word.

We can only withdraw responsibly.

Some of the letters I received urged me not to support continuance of the war merely to save "face." I would not risk a single American life for face-saving, and I know that the President would never do so either. The issues, unfortunately, are not so simple. The President has pledged to take us out of Vietnam. He has moved consistently in that direction. He went into the enemy sanctuaries in Cambodia because it was necessary to do so in order to safeguard the lives of his troops and also to insure the success of his Vietnamization program. In talking with the many visitors I have seen in the last few weeks, I urged them to give fair consideration to the facts that support President Nixon's course of action. I invite you to do the same now.

Again, to clear our minds for a fair consideration on this very emotional question, we must go backward a bit in time.

We hear from many critics about what a mistake it was for this country to become involved in an area that is not important to our national interests and to correct that mistake we must move our troops out immediately or on a fixed date. Let us review briefly the history of how and why we extended our aid and then our presence into Vietnam.

Since World War II disrupted the former patterns of power and influence in the Far East and left the United States as the principal representative of the non-Communist world there, five Presidents, three Democrats and two Republicans, have acted to prevent a Communist takeover of South Vietnam. Even as the U.S. involvement grew, public opinion supported our policy. For example, one of the turning points in the escalation of the conflict came in 1964, and only two of the 535 Members of Congress voted against the Tonkin Gulf resolution, a very broad endorsement of the President's course. I well know that there are many who say they regret that vote, or claim they were misled. This may be so; I have no wish to raise those issues here. My point is simply that there was an overwhelming vote of confidence in the Presidential course of increasing involvement at that time.

A Gallup poll taken in August, 1965 revealed that 61% of the American people thought sending troops to fight in Vietnam was a correct decision. Only 24% said it was a mistake.

In 1967, 72% of the citizens of Hawaii who responded to my poll said that loss of South Vietnam would lead to a Communist takeover of all Southeast Asia. As lately as the spring of 1969, the vote was 52.9% to 31.5% against unilateral U.S. withdrawal from Vietnam.

So it is not some little group of warmongers that decided Vietnam and Indochina are important to the United States. For some twenty years, five Presidents, Congressmen and Senators of both parties and the majority of the public have agreed that we could not abandon the people of this area. Besides, many national leaders, in Southeast Asia including those who chose a neutralist stance for their countries, have urged us to maintain our presence in the Asia-Pacific area as a counterweight to the Communists. It will do no good to curse our past decisions or to absolve ourselves from them. We must look to the future and move to withdraw responsibly from what has become a terribly costly and divisive war for all concerned.

According to some critics, President Nixon is not really interested in withdrawing, but is still clinging to the hope of military victory. I cannot see how they manage to reach this conclusion in the face of the President's record since taking office. Not only has he withdrawn over one hundred thousand troops and promised to withdraw 150,000 more, but he has offered to speed up the rate of withdrawal still further if the other side will make similar pledges. He has repeatedly said that we favor a negotiated end of the war. He has never demanded surrender or talked of total victory.

In short, I see no use in setting up a straw man called military victory and then knocking it down, as some of the proponents of rigid withdrawal schedules have tried to do. This Administration is under no illusion that it would be wise to turn loose our awesome power in Indochina and batter the enemy into submission. This Administration has not moved in that direction, and will not. Only those who do not wish to understand the President's stated purposes continue to insist that there is a danger of uncontrolled military escalation.

Finally, the critics of the President's Vietnamization policy insist that we must set a date in advance for withdrawal of our troops. Without this, they claim, we will have no settlement, but an endless war. They claim that an irrevocable announcement of our withdrawal would bring a reasonable negotiated settlement, safe withdrawal and an end to divisiveness in the United States.

These claims are attractive, but I fear that they cannot stand up under examination. Negotiations can succeed only when both sides, not just one side, are pushed toward agreement by the prospect of some benefit. If the forces opposing us have only to wait for a year or so to win their goal, they will have little incentive to seek it at the bargaining table.

The safety of our troops would be jeopardized if they were tied to a prescribed schedule for departure. The President, as Commander in Chief, must act to protect the men under his command. What would become of a Congressionally decreed timetable if the enemy tried to take advantage of it to administer a bloody and humiliating defeat on our departing forces? Obviously the President would have to take all military steps necessary to meet the threat, including a halt to withdrawal, on his own authority as Commander in Chief.

A resolution introduced in the Senate recently illustrates the futility of trying to direct military operations from the Senate chamber rather than the command post. The

resolution sternly forbids use of funds for "offensive operations" by U.S. forces in Vietnam after a certain date, but allows expenditures "for the secure and orderly withdrawal" of our troops. I am sure that the neat distinction of the Washington drafters becomes much less clear in the field where there is a threat of attack. No President will order his commanders to wait for the enemy to strike from ambush to prove that we are not the attackers.

Those who would abandon Vietnam by a certain date, come what may, have particular difficulty answering what would become of the South Vietnamese people after the magic day. They keep saying that "bloodbath" is a scare word, and our fears are exaggerated. But there is hard evidence of the dangers that confront Vietnamese anti-Communists in the mass graves of Hue. In a few days of methodical, planned terror, 5,700 South Vietnamese who had the misfortune to be on lists marked for vengeance were murdered. There is strong reason to believe that this awful slaughter would be repeated in cities and hamlets throughout South Vietnam if we left the enemy a clear field to grasp control of the country. Douglas Pike, a leading government expert on the Vietcong, cites 15 categories of citizens marked for systematic extermination by the Communists once all foreigners are expelled. As many as three million people might die in such a purge, Pike estimates.

An estimated six to 10 million Chinese—landlords, so-called "petty bureaucracy," small merchants and others—were killed in the period of Mao's accession to power, according to testimony before the Senate Foreign Relations Committee. A British journalist has estimated that more than 45 million people perished in Russia since 1917 through deaths in concentration camps, famines, political purges, civil wars and campaigns against wealthy peasants.

I wish I could believe the hopeful statements that the enemy will refrain from using its power simply because the Americans decide to leave by a certain date. One of the leading proponents of a rigid withdrawal schedule says that all sides would have a "strong incentive" to compromise peacefully because otherwise they could "look forward only to continued conflict and disruption." Nothing in the history of this war suggests that the enemy would shrink from a final battle, after years of costly and inconclusive fighting, if they saw a good chance to subjugate South Vietnam. Rather, it is the President's Vietnamization policy, based on withdrawing at the maximum pace consistent with development of South Vietnam's capability to defend its own territory, which gives a realistic possibility of convincing the enemy that they would gain more from negotiation than continued fighting.

Apart from its effect on the South Vietnamese, we must ask what a precipitous withdrawal would mean for the standing of the United States in Asia and throughout the world. This nation has declared that it has a stake in Asia.

This was the basis for all the sacrifices we have made in Vietnam. Now the President has set out a policy that will allow us to maintain a strong and sound position, in partnership with the other free nations of Asia, without again sending hundreds of thousands of American boys to fight a ground war on Asian soil.

It is the President's intent to withdraw American troops from South Vietnam—but at a rate consistent with the security of U.S. troops and the assumption of the former U.S. fighting role by South Vietnamese forces. This is an action that will be to the ultimate benefit of South Vietnam as well as the United States. By withdrawing in a responsible manner, we will show that this nation stands by its pledges, and we will also pave the way for an increase in American influence throughout Asia toward peace.

No matter how good its intentions, Congress cannot possibly determine the rate of withdrawal that will achieve these ends. Only the President, as Commander in Chief has the capability and the authority to assess the situation as it develops and respond to it.

If we simply withdraw as quickly as possible, or set a specific date for withdrawal, we abandon the South Vietnamese who have fought with us, and the concept of national interest that brought us to Indochina years ago. The lessons of such a policy would be quickly learned, both by our allies and our enemies: that the United States assumes no obligation to its allies, but acts only for its own narrow interests; and that the United States lacks the resolution to uphold its national interests even while pursuing new policies that will prevent future involvements on the Vietnam pattern.

In a world where the United States is involved in the fortunes of many nations, and tied to friends and allies by literally scores of treaties, our credibility must be maintained. Only by permitting the President to withdraw from Vietnam at a rate set with regard to the welfare of our troops and our allies—a rate that is responsible—will we retain that essential credibility.

It is primarily in the context of the Vietnamization program, the protection of the lives of our American men in Vietnam, and the desire to withdraw responsibly, that we can understand why the President ordered a limited attack on Communist sanctuaries on Cambodian soil.

It was in 1965 that North Vietnam began to use sizable parts of eastern Cambodia as part of its strategy for waging war in South Vietnam. Areas as deep as 20 miles into Cambodia along the frontier with South Vietnam were turned into tactical sanctuaries for Communist troops.

Cambodia during this period continually proclaimed its neutrality. Increasingly, however, Cambodia complained of the Communist presence on its soil. In December 1969, Prince Sihanouk warned the people of Cambodia about the danger of associating too closely with Communists.

Within the last year the defeats suffered by the Communists in South Vietnam forced them to shift to a strategy of protracted war, which made the Cambodian bases essential to them.

There, safe in sanctuaries, they could wait out the U.S. troop withdrawals under Vietnamization, stage occasional forays or "high point" military attacks into South Vietnam, and support the Communist infrastructure and local forces left behind in South Vietnam.

In the spring of this year, anti-Communist demonstrations erupted in the capital city of Phnom Penh, and shortly afterward Prince Sihanouk was deposed as Chief of State by unanimous vote of the National Assembly and the Council of the Kingdom. General Lon Nol, who remained as Prime Minister, took over control of the country.

The Communist side did not sit idly by and simply watch these internal developments in Cambodia. In addition to rejecting Cambodian requests to negotiate withdrawal of their forces, they joined forces with Prince Sihanouk, pledged unity and reciprocal support and rejected international proposals for a conference on Cambodia or Indochina.

More ominously, they sent their troops westward from the sanctuary areas in attacks on Cambodian villages and towns. Simultaneously, they began to link up their areas of sanctuary. Their aim was obvious: to have a 600-mile corridor at least 20 miles wide all along the Cambodian border with South Vietnam from the Laos border in the north to the Gulf of Thailand in the south. Equally obvious, if the Communists were to succeed in their efforts, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops could

return from combat without fear of retaliation.

That was the situation confronting President Nixon in late April. He met the situation head-on.

The President rejected the alternative of inaction, with its deadly result of leaving South Vietnam and our troops there completely outflanked. He also refused to commit the United States to support of the Cambodian Government, with the attendant possibility of greatly widening the war. The President chose to go to the heart of the matter and clean out major areas of Cambodia occupied by North Vietnamese and the Vietcong.

The combined strikes by U.S. and Vietnamese troops were from the beginning, and still remain, limited in extent, purpose and duration.

After just the first three weeks of the operation, more than 2000 tons of military hardware had been captured. That represents 500 more tons of weapons and ammunition than were uncovered in South Vietnam all last year. It included 14 million bullets which, if you will forgive a dramatic gesture, means 14 million bullets which will not be fired at our troops or the troops of our allies. In addition, enough rice to feed 15,000 troops for ten months was seized. That means no rice for at least one-third of the enemy forces estimated to be in Cambodia.

The net result has been to impair seriously the capacity of the enemy to wage war for perhaps between eight months to a year.

Two-thirds of the combat units operating now in the sanctuary areas of Cambodia are South Vietnamese. General Abrams reports in the highest terms regarding their effectiveness, organization, and soldierly qualities. Give them another eight months and they will be even better.

What goals does the United States seek through this limited operation to strengthen its policy of Vietnamization? Our ultimate aim is to convince the enemy that a settlement and end of the war is its best choice. We have proven by our action in Cambodia that the enemy cannot strike at us with impunity. Yet, we have shown repeatedly our desire to leave the peoples of this area to govern themselves as they choose.

We have stopped the bombing of North Vietnam except to suppress anti-aircraft fire on our unarmed reconnaissance planes. We have withdrawn 115,000 combat troops from South Vietnam and have stated publicly our intention to withdraw an additional 150,000 combat troops by next spring. We have offered to withdraw all our forces if they will withdraw theirs. We have offered to negotiate all issues with only one condition—and that is that the future of South Vietnam be determined by the people of South Vietnam, not only by North Vietnam and not by the United States. We have sat at the negotiating table in Paris for more than a year, ready to undertake serious discussions.

The operation in Cambodia was, in essence, an earnest of our determination to leave behind a South Vietnam that can really defend itself and determine its own future and to allow us to withdraw responsibly. To those who think otherwise, I would ask, as Churchill did in England's finest hour: "What manner of people do they think we are?"

There is a basic inequity to suggesting that the Communists may violate Cambodian soil and from there shoot at our troops with impunity and immunity; but it is bad and alarming when we take action that is fully countenanced under international law to defend ourselves in depth—in modest depth, as is our limited action in Cambodia.

We are not going to be sucked into a wider war in Southeast Asia. The action in Cambodia was, and still is, designed to cauterize the enemy's sanctuary areas. This, in turn, will do more than protect lives of American young men. It also will bolster

the Vietnamization program. And that, in turn, will mean bringing our combat forces out of Vietnam on schedule. Hopefully, it could do more. It is possible that it could shorten the war—a goal all Americans share with the President.

WOMAN IN WHEELCHAIR SUES TO BECOME TEACHER

Mr. DOLE. Mr. President, recently, Miss Judy Heumann, a young lady confined to a wheelchair by polio, filed suit in Federal district court in New York to become the city's first teacher in a wheelchair. An article entitled "Woman in Wheelchair Sues To Become Teacher," written by Andrew H. Malcom, and published in the New York Times on May 27, describes some of the details of Miss Heumann's case.

The publicity of this case should prove instrumental in enlightening employers across the Nation that reluctance to hire the handicapped is not based on solid reasoning. In today's world, many jobs are available, many of them progressively less and less physically demanding. Handicapped persons are capable of filling these jobs effectively. Documentation indicates increasingly that disabled workers are productive and competent, and favorably compare with the quantity and quality of work of able-bodied employees.

This suit is of special significance, in that it is the first civil rights suit of its kind filed in a Federal court. 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:

WOMAN IN WHEELCHAIR SUES TO BECOME TEACHER

(By Andrew H. Malcolm)

Judy Heumann, a 22-year-old polio victim, filed suit in Federal District Court yesterday for the right to become the city's first teacher in a wheelchair.

Miss Heumann, who has passed the oral and written examinations required for a teacher's license here, charged that the Board of Education's refusal to give her a license discriminated against her because she was physically handicapped.

Her lawyers said the case was the first such civil rights suit ever filed in a Federal court. They hope to make it a test case for a series of suits across the country guaranteeing equal job and education rights for the physically handicapped, whom her lawyer called "one of our forgotten minorities."

The suit names as defendants the Board of Examiners and Acting Superintendent Irving Anker. It seeks a judgment that the examiners' procedures, which do not permit hearings or legal counsel, are unconstitutional and that Miss Heumann be granted a license and \$75,000 in damages.

Miss Heumann, an honors graduate of Long Island University, said that in February the Board of Examiners notified her that she had failed the physical examination because of "paralysis of both lower extremities." On April 3 she filed an appeal but received no further word.

"I feel qualified to teach now," Miss Heumann said yesterday at a news conference at the Overseas Press Club, 54 West 40th Street, "and I don't want to wait."

PLEADS FOR TIME

She currently teaches remedial reading for the State Division of Youth, which does not require a license. She lives in her own apart-

ment at 175 Willoughby Street in downtown Brooklyn.

Dr. Jay Greene, chairman of the Board of Examiners, said yesterday that Miss Heumann's appeal was "under active consideration," but that such basic studies took time.

Dr. Theodore H. Lang, deputy superintendent of schools, said Miss Heumann's case had prompted a thorough review of policy regarding employment of the physically handicapped in the city's schools. This is to be completed within about two weeks, he said. Miss Heumann's case is being delayed pending the results, he added.

It was understood that the study was included the possibility of issuing special licenses to handicapped persons.

The United Federation of Teachers is supporting Miss Heumann, and Mayor Lindsay is known to have written the Board of Examiners recently urging "a thoughtful and compassionate review" of the case.

Members of both the Board of Education and the Board of Examiners expressed sympathy for Miss Heumann's case yesterday, but said they also had to assure the safety of pupils, such as during fire emergencies.

ELECTRIC WHEEL CHAIR

Miss Heumann uses an electric wheel chair that, she said, enables her to move faster than those walking normally.

One of her lawyers, Roy Lucas of the James Madison Constitutional Law Institute, said the case was "part of the very substantial civil rights movement of recent years." He mentioned, as one example, the recent employment by the city of several blind teachers.

Mr. Lucas said future suits would challenge unequal educational and service facilities for the physically handicapped around the country as well as discrimination in hiring.

HARPER'S MAGAZINE NARRATES HOW REPRESENTATIVE ECKHARDT SEEKS TO GUARANTEE JUSTICE FOR THE CONSUMER

Mr. YARBOROUGH. Mr. President, my friend Bob ECKHARDT has represented the Eighth District of Texas since 1967. During the past 3 years in the House, he has shown himself to be a Representative dedicated to furthering the realization of the American dream. The June 1970 issues of Harper's magazine contains an article by Edwin M. Yoder, Jr., which points out that Mr. ECKHARDT has compiled an enviable record in the fields of industrial safety legislation, civil rights, arms control, conservation, and consumer protection.

The Yoder article examines the Representative in his various roles as a strategist, poet, cartoonist, consumer advocate, ombudsman, and legislative craftsman. Whether drafting a piece of legislation, or helping a constituent with a problem, it is evident that "ECKHARDT, of Texas," is a man not given to empty rhetoric and meaningless gestures. Recognizing that it is difficult to draft a durable, workable piece of legislation, he nevertheless holds to the belief that acts of Congress should flow carefully and logically from precedent to precedent in order to avoid cumbersome legislation with built-in obsolescence.

Mr. ECKHARDT has recently introduced a piece of legislation which exemplifies his ability to combine social concern with legislative craftsmanship. It has become fashionable in recent months to extoll the virtue of guaranteeing justice for the consumer in the marketplace. To recog-

nize injustice is commendable, but we need remedies, not just exposés. Representative ECKHARDT is one consumer advocate with some answers, as embodied in his Consumer Class Action Act, H.R. 14585. Senators TYDINGS and MOSS have introduced in the Senate S. 3092, a companion to Mr. ECKHARDT's bill and the Nixon administration has an alternative "class action" bill of its own, S. 3201. A comparative account of these bills is found in an article authored by Representative ECKHARDT in the April-May 1970 edition of Trial magazine.

Petty fraud is today encouraged by the fact that it is common knowledge that the average consumer is not going to file suit over being bilked out of \$50 when his lawyer's fees, court costs, and so forth, would preclude any possibility of recouping his loss. If, however, a number of similarly wronged consumers could aggregate their claims, civil action might be economically feasible, and deceptive practices in the marketplace might be effectively deterred. Mr. ECKHARDT points out that the Nixon administration's proposal, S. 3201, suffers from several shortcomings. Like many Nixon programs, the administration's bill sets up an aura of concern for the public interest which is designed to convince the consumer that he has an avenue through which to gain redress of grievances. In reality, the administration's program actually impedes quick, effective "class action" sought by groups of average Americans who deserve justice rather than evasive tactics.

Mr. President, I share Representative ECKHARDT's concern in this area, and would like to share these articles with Senators. I ask unanimous consent that the article found on pages 28 through 36 of Harper's June 1970 edition, entitled "ECKHARDT of Texas," be inserted in the RECORD. I also ask unanimous consent that the article, entitled "Federal Leverage," found on pages 14 through 17 in the April-May 1970 edition of Trial magazine, be printed in the RECORD.

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

[From Harper's magazine, June 1970]

ECKHARDT OF TEXAS

(By Edwin M. Yoder, Jr.)

(NOTE.—Edwin M. Yoder, Jr. has been associate editor of the Greensboro Daily News since 1965. A native North Carolinian, he graduated from the University at Chapel Hill and from Oxford, where he was a Rhodes Scholar.)

When Representative Bob Eckhardt of the eighth district of Texas entered the U.S. House of Representatives in early 1967, he encountered a lot of problems—the cards are always stacked against the new boys, especially if they are already fifty-three years old and stand little chance of achieving seniority. But the worst problem was that his natural political allies in the House could not believe Eckhardt was a liberal.

In the first place, he speaks in the soft drawl of East Texas, and even after his real political sympathies had been suspected he would still horrify a correct Yankee liberal by going over to the Senate side to testify on a bill and bandying genial colloquialisms with people like Senator Sam Ervin, Jr. of North Carolina, laughing and saying things like, "But *Senatah*, isn't that like sending the possum to chase the *dawg*?" Usually there

is a gold watch chain strung across the waist-coated paunch of his three-piece suit; and above the unvarying bow tie the vaguely Claghornish hair tends to tumble down to eye level. The truth is, Bob Eckhardt looks like a Southern tory, and when you first meet him you expect him to think like an Allen Drury caricature of a Southern Congressman.

In the second place, Eckhardt isn't a liberal. He is actually an almost quaint example of the genuine federalist who flourished in the early days of the Republic but began to become extinct during the stresses of the 1930s. He really believes in the balanced system of state and federal power that Madison & Company put together, but he differs from most Southerners of that apparent persuasion in that he is usually for the underdog rather than the top-dog. In a twelve-year legislative career (which included several terms in the Texas Assembly before his election to Congress) Bob Eckhardt has worked for industrial safety legislation, civil rights, arms control, conservation, consumer protection, and other generally un-Texan causes.

Still, it was quite a while after he took his seat in Congress for metropolitan Harris County (Houston), in a seat he had in fact helped design as a member of the Texas House, before the suspicious Congressional liberals began to notice him. "The hardest group to crack," surprisingly, "was the Democratic Study Group," a loose confederation of House liberals who supply each other with study papers and voting positions in an effort to dent the well-fortified House committee establishment.

Some of this suspicion was allayed, last June, when the U.S. Supreme Court delivered its decision in *Powell v. McCormack*, with Chief Justice Warren delivering the last of his great libertarian opinions and holding that the House had illegally deprived the Harlem Congressman of his seat. In reaching that verdict, the Court quoted at length from an elegant discussion of the parliamentary issue written by Bob Eckhardt in the University of Texas law review. Typically, Eckhardt regards Powell as a rogue but believes that even a rogue has his rights under the Constitution. Powell never bothered to thank Eckhardt for his pains, but that hardly matters to Eckhardt.

His advocacy of Powell's unpopular cause is only one in a series of improbable positions in which Bob Eckhardt has found himself. When the omnibus crime-control bill came to the House floor in the summer of 1968 on a tide of "law-and-order" sentiment, he joined a small group of liberals in opposing its riot-control section, believing it to be a departure from the Bill of Rights and—as important to a real federalist—an unprecedented and uncalled-for expansion of federal criminal law.

The same considerations, basically, governed a recent decision that put him among the Tories. He opposed—persistently—the Constitutional amendment, passed overwhelmingly by the House last September, providing for the direct popular election of Presidents.

"I think you're being country-slicked," he told the New Yorkers, Californians, and other urban Congressmen who voted for the amendment, noting that the five largest states, containing a third of the people, control only six committee chairmanships in Congress—15 per cent. Under the electoral college, he argued, the President is a "super-legislator" whose "innovative quality" the country needs. He voted in a minority of seventy.

As his progressive colleagues in the House began to perceive that Eckhardt is a man of rare independence, they began to admit him to those almost conspiratorial little cells of the like-minded that operate beneath the huge, unwieldy surface of the House. Eckhardt is active in several informal bands, in addition to the large and rather inchoate Democratic Study Group, which he mysteri-

ously designates as the "True Believers," the "Hard Core," and another so ultra-confidential that no stranger is admitted—the "Group."

When I visited Eckhardt in Room 1741 of the Longworth Building for a week last September, I found myself barred from any spying on the Group, which was then mapping legislative strategy on defense procurement. (At that time the procurement bill, which had been debated by the Senate for three months, seemed likely to pass the House in a few days, and it did.) I did manage to visit the Hard Core, a somewhat less serious group of House activists who gather weekly over Danish rolls and coffee to intrigue against the inertia of the committee establishment.

On that particular morning, Eckhardt had ridden his bicycle all the way from his house on N Street in Georgetown to Capitol Hill, his route taking him past the little red town house where John Kennedy once lived, by the reflecting pool and the Lincoln Memorial. During those morning bicycle rides, Eckhardt ponders the coming day on the Hill and sometimes writes verses—he is an amateur versifier and cartoonist—about House colleagues. Two years ago, pedaling the same 35-minute route, he got to thinking about Representative H. R. Gross, the Iowa Republican watchdog whom he admires at a safe ideological distance, and wrote:

"It's good enough for Mr. Bow
To just preserve the status quo.
And Dr. Hall will gladly tell 'em
His status quo is antebellum.

"The Civil War is much too close.
'What bellum, then?' cries Mr. Gross.
I'd fain retreat with right good speed
To England prior to Runnymede."

"Mr. Gross," Eckhardt says, "sees the world as not having changed much from the days when it was ruled by the British Navy. Mr. Gross, you know, is the one who combs the *Congressional Record* to find out how much tax money's being spent for those limousines he sees parked below the Capitol steps."

Mr. Gross, comfortably established by virtue of the seniority system, is the kind of Congressman Eckhardt isn't—and couldn't be—both because of his orthodox power in the House and because of his outlook. But it isn't as if the House were a strange place to Eckhardt, even if its usual entrees to power are shut to him. His maternal uncle, a Republican named Harry Wurzbach, was there under Harding and Coolidge, and as a boy Eckhardt once campaigned with him. "Some fool fired a pistol at him during a speech, and another time they tried to count him out but he demanded a recount and claimed his seat after the House had already convened." Another uncle on his father's side, a Bryan Democrat, sat during the Teddy Roosevelt era. His father's cousin, a "Southern bloc conservative," was in the House in New Deal days. Eckhardt's constituency in northeast Harris County provides a further variation on the family legacy. It is a labor-minority district, which reelected Eckhardt last year with a 70 per cent majority, even though there was a considerable Wallace sentiment among the oilworkers and steelworkers. His thumping majority was all the more remarkable in that Bob Eckhardt has never disguised the fact that he isn't a segregationist. (In a Houston television debate thirteen years ago, he dismissed the then-fashionable revival of "interposition" as "digging up John Wilkes Booth and trying to run him for President.")

When Bob Eckhardt pedaled his bike up Constitution Avenue on the September day we were to breakfast with his friends in the Hard Core, a more or less routine week in the House was in prospect—no large dramas or dilemmas but a good window on the House as an institution at this stage in its history. Most of the week's newspaper head-

lines generated on Capitol Hill would, as usual, dwell on the Senate. Senator Charles Goodell would pass a milestone in his counter-march toward reelection by introducing his resolution to extricate the U.S. from Vietnam. Judge Clement Haynsworth, Jr., President Nixon's nominee for the Fortas seat on the Supreme Court, would explain his stock portfolio to the Senate Judiciary Committee.

On the House side, there would be little business on the floor worth remembering, although Bob Eckhardt would speak briefly for a bill to revive railway passenger service, recalling a trip through the Rockies in a decrepit Pullman car when he and the ancient porter sought to raise the temperature above freezing. (In some ways, the House floor is nearly as removed from a Congressman's hour-by-hour concern as the Senate, which by custom is never called anything but "the other place." Every few hours the bells would ring and the lights flash on the clock above Sam Houston's portrait behind Eckhardt's oval desk, and the Congressman would scurry over for a quorum call or a vote. To a stranger looking down from the well-invested galleries—you may not rest your elbows on the railings or take notes—the House chamber, in its dim reds and browns, suggests a railway depot of the last century where some beserk station master is droning about legislation rather than train schedules.)

However, the action was dismissed on two grounds: first, aside from the request for identical damages caused by identical conduct, the class was not united in interest; and second, maintenance of the class action would deprive members of the class of other remedies which they might prefer to pursue against the defendant or against the merchants with whom they had dealt.

Neither of these grounds is compelling. The fact that identical damages are sought for identical conduct makes a case more suitable than unsuitable for class action treatment. Furthermore, class members' interest in pursuing other remedies can be preserved by limiting the scope of the judgment in a class action to the remedies that are actually sought. *Hall v. Coburn Corporation* is typical of state class action law.

Similar unnecessarily restrictive state decisions can be found in Mississippi, Indiana, Ohio, Michigan, Massachusetts and Washington. Other states, like North Carolina and West Virginia, have too few reported cases to predict the viability of a consumer class action. In these jurisdictions the status of consumer class actions is, at best, uncertain.

In some states, the class action procedure is wholly adequate. I have, therefore, included a provision in my bill to prevent removal from the state court to the federal court by the dependant where the state forum has been chosen. It provides:

"This section shall not be deemed to prohibit a plaintiff from choosing a state forum without the case being subject to removal on grounds of federal question jurisdiction under Title 28, Section 1441, United States Code."

The election given to the plaintiff to proceed in either the state or federal court is just what is done with respect to *in personam* maritime claims in the "savings clause" of 28 U.S.C. Section 1333. Removal under Section 1441 is not a constitutionally compelled but a prudential disposition, subject to whatever qualification Congress may dictate.

The bill provides that injured consumers may bring class actions in U.S. district courts under the Federal Rules of Civil Procedure, including Federal Rule 23, the most modern class action procedure in the United States. These class actions would be available in transactions affecting interstate commerce where violations of state or federal consumer protection law have occurred.

The proposed law dispenses with jurisdictional amount and diversity of citizenship for purposes of class actions. Let us examine some of the implications and provisions in detail:

I learned still more about the recent history of the caucus, a few days later, when Eckhardt sent me to track down Representative Morris Udall of Arizona. To talk with Udall, who used to be a star athlete, you have to stay in motion. First he would lean against the marble pillars in the hallway outside the members' entrance to the House chamber (suggestive, in its tawdry ornateness, of a Byzantine seraglio). Then something would happen, Udall would dart into the chamber, where a debate was in progress over an amendment to the Wilderness Act, and after a bit he would return and we would move out on the porch overlooking the West Front. On the run, I discovered why Udall stood as a test candidate for the speakership in January 1969 against Speaker McCormack, a somewhat quixotic enterprise in which he had Eckhardt's support. Udall would say nothing to disparage the leadership, but he pointed out that his "Dear Democratic Colleague" letter of December 26, 1968, was a matter of record, having appeared in the *New York Times*. It was, in effect, Udall's platform, and it spoke for Eckhardt and others in declaring that the House "can and should be a source of innovative programs" and that "too often House Democrats have failed to extend to our newer and more marginal members the kinds of recognition . . . that would give them deserved strength in their constituencies."

Udall cupped his hands, forming a sort of canyon. "In theory," he said, "when the elections come, the House is supposed to have a heavy turnover"—he swept one hand over the other, indicating a major washout—"but it takes a real flood—a 1964—to do that, and in most years only the marginal few at the bottom of the gully, eighty or so, are exposed and washed away." It still rankles with House activists that the leadership did so little to protect the so-called "Goldwater liberals" elected in the 1964 landslide from the inevitable washing away in 1966.

In the speakership race, Udall pleaded for "constructive, rational, and responsible airing of differences in caucuses." He got a meager fifty-eight votes on the secret ballot, indicating to at least one of his staff members that "there are either a lot of secret sympathizers with the seniority system or a lot of liars." But combined with other pressures, the Udall challenge brought more alterations, one of them an upgrading of the caucus. It now meets monthly, not sporadically as under Rayburn, and it debates issues rather than merely ratifying the decrees of the elders.

The change is important to Eckhardt for with most of the Hard Core types he believes that the Democrats' loss of the White House last year drastically changed their role. "Under Kennedy and Johnson," Eckhardt says, "the leadership was a conduit of Presidential leadership and we had a sense of motion. Nixon exerts little or no pressure, and with White House pressure off, the committee chairmen are more lackadaisical and independent."

Eckhardt was excited by what happened in the mid-September caucus, the week before I visited his office. Representative Jonathan Bingham and others, with Eckhardt playing a last-minute parliamentary role, managed to pass a resolution directing the committees to seek legislative goals in the 1968 platforms. The coup displeased the elders, some of whom tried to divert the attack from the Democratic committee moguls to the White House. "You can hear the old bulls roaring when one of us gets up in the caucus," said one of the Hard Core.

It was the visit of Mr. Ezra Schacht of

Houston one morning that introduced me to the full range of a Congressman's labors in ombudsmanship, labors Eckhardt takes very seriously. Mr. Schacht, dressed in a natty brown suit with blue pinstripes and a matching striped tie, had just delivered certain legal papers to the Supreme Court in behalf of his son, who is trying to appeal a prison sentence for antiwar activity. Danny Schacht, a young electrical engineer working at his father's plant, had acted in an anti-draft skit outside the Houston draft induction center two years before. Several nights later, as Eckhardt summarized the story, FBI agents arrested Danny Schacht and charged him with violating a law prohibiting the unauthorized wearing of a military uniform. In May 1969, the sentence was upheld, even though young Schacht's lawyers argued that the antidraft theatrics were protected by the First Amendment, as well as by a law permitting an actor to portray a soldier "if the portrayal does not tend to discredit the armed forces."

This "exception to an exception," as he calls it, intrigues Eckhardt. With his aides Julius Glickman and Chris Little, both lawyers, he discusses the Constitutional issue. If the Supreme Court accepts Schacht's appeal, he decides, he may submit an *amicus curiae* brief arguing that the whole proceeding was unconstitutional if the theatrical use of an Army uniform must be confined to skits reflecting credit on the armed forces.

The Schacht case is one of hundreds that come to a Congressman's attention every year, making his office a sort of ganglion where the nerve fibers of governmental relations meet. The mails every day are heavy, and have been for three years, with military problems—mainly over the draft.

I asked Eckhardt for other examples of the ombudsman's role. From the files he brought out several worn manila folders concerning George Vincin, a Houston odd-jobs man who joined the Army in 1935—thirty-five years ago—and still seeks back pay for false imprisonment. Recently, Eckhardt wrote to the Secretary of the Army what is perhaps the hundredth letter in the case, calling Vincin's "the most shocking bureaucratic abuse that has ever come to my attention." Falsely accused of sodomy while in the guardhouse at Fort Brown, Texas, in 1938, Vincin served five years at Leavenworth, even though his key accusers admitted lying. His thirty-year effort to clear his name and collect back pay is incomplete: he has a pardon signed by President Johnson, who took a personal interest in the case, but still lacks the back pay; and unless the Army supports private legislation Eckhardt has introduced to grant Vincin his back pay, it will probably fail. Vincin, Administrative Assistant Chris Little, told me, once flew from Houston to Washington to check on his case. "When I sent him down to the Army liaison office he took one look at the uniforms and fled on the next plane."

Kristina Truitt, Eckhardt's tall caseworker, handles the ombudsmanship operation, which ranges from cases as grim as Vincin's to those as comic, and as far beyond Eckhardt's miracle-working power, as that of the mother who recently wrote to complain that the Air Force band would not accept her son as a French horn player. "I can certainly understand your keen disappointment that your son was not accepted," Eckhardt wrote in a letter of skillful Haim Ginott-like consolation. "After doing his very best to perfect his skill in the French horn, he must have been crestfallen that he was not chosen."

Some pleas for help run to the bizarre. An Army enlisted man who has been in and out of military dispensaries in the Far East wrote to ask Eckhardt's advice on a drug to restore his sexual powers to normal. As we talked about bureaucratic mix-ups one morning, a Houston lawyer telephoned to ask the Congressman's help in speeding home the body of an oil-rig operator who'd died of a heart seizure in Libya.

"His wife," Kristina Truitt explained, "asked for an autopsy, which seems to have thrown the Libyan government into an uproar. She's waived the request, but they don't embalm the dead in Libya." At the State Department, Kristina found an office wholly concerned with American deaths abroad, which for a \$10 cable fee will make inquiries. (Somewhere in the labyrinth of the diplomatic establishment, we speculated, there must be a deputy assistant secretary of state for death.)

Every Congressman is to one degree or another a guardian of the Danny Schachts and the Vincins and others who run afoul of the law or bureaucracies, but I had the feeling that Eckhardt's office takes its ombudsmanship almost as seriously as the legislative process itself. From the wall near Eckhardt's desk stares down Eckhardt's formidably bearded great-great-grandfather, Robert Kleberg, who came to Texas from Germany in the 1830s, seeking he said "unbounded personal, religious, and political liberty" and expecting to find "in Texas, above all countries, the blessed land of my most fervent hopes."

After lunch that day came the lobbyists, two gentlemen who wanted to discuss Representative John Dingell's bill pending before the Interstate and Foreign Commerce Committee, of which Eckhardt is a member, to curtail FCC licensing of pay television.

As the staff removes the dishes and glasses, Eckhardt explains that on an average week like this one he may see perhaps a dozen lobbyists of one kind: representatives of railway unions who are quarreling among themselves over a bill to adjust the retirement fund; the pay-television people; the Quakers, who want to enlist Congressional help for the October 15 Moratorium.

"When I came to Congress," he recalls, as we wait for the pay-TV people, "my first reaction was, 'There's far less lobbying here than in the Texas legislature.' But it's only subtler—less obtrusive, more professional. You have to make yourself available for it. But it wasn't that way in Austin. When the Texas House would adjourn for lunch and the big doors would swing open, dozens of lobbyists would swarm outside, waiting to snare you for lunch if you'd go. I believe a man could go to Austin and live off the land for the whole session. You had to hide from them. I remember I was eating one night with my family at a place in Austin. I asked for the check and found it'd been paid. I looked across the room and there was a prominent lobbyist, just smiling and nodding. He didn't even come to the table. 'Is he a friend of yours, Daddy?' one of my little girls asked."

"The first time I ran for the Texas legislature—it was 1940, I was just out of law school and I got what I call my mandate from the people to practice law privately—old man Edmonds Travis, a lobbyist for several Standard Oil subsidiaries, told me, 'Bob, what you do is you attack all the venal interests except one, and that's where you git your money. You attacked them all.' As a rule, Capitol Hill lobbyists make themselves scarce, usually hole up at the Hotel Congressional. The key point of contact is usually between a highly specialized lobbyist and the specialized staff people of a standing committee. Intimate friendships spring up there—it's the rivet point. Friendships that outlast terms. They probably have a greater influence on legislation, especially if it's technical."

Mr. Pieter van Beek, who has come to talk with Eckhardt about pay-television, turns out to be a vice president of Zenith Radio Corporation, which makes the signal-scramblers for pay-TV. An erect, Chicago Dutchman with darting eyes, a clipped moustache, and a manner of precise speaking to go with it, he looks as if, transposed to the days of the Battle of Britain, he had just stepped from the cockpit of a Spitfire. In fact, Mr. van Beek is a bit battle-shocked from the

pay-television wars, and he launches into a resigned and rather doleful history of the effort of pay-TV to gain licensing by the FCC. Anticipating the point, Eckhardt breaks in: "You really want me to do nothing—right?" Nothing, that is, about the Dingell bill. As a member of the Commerce Committee, Eckhardt knows the legislation, which the local broadcasters are pushing to forestall a potential competitor. Dingell himself, as Eckhardt explained later, wants to reserve a number of the dwindling VHF frequencies for noncommercial uses, but his aims and those of the commercial broadcasters mesh. A glance at Eckhardt's mail on the subject, which was plentiful, indicated that the broadcasters are waging a fairly strenuous campaign for the Dingell bill. "We want to put you across to your constituents," the letters say, in effect, "and please drop in for a live interview next time you are in our area, but be sure you vote right on the Dingell bill." Eckhardt concludes the interview with Mr. van Beek by saying that he is "disposed" to vote against the bill, a way Congressmen have of signifying hope without outright commitment.

Eckhardt is a do-it-yourself man when it comes to bill drafting, which is usual in a chamber where it is admitted that too much legislation is either written or rewritten under the influence of specialized lobbies. In recent months, the House of Representatives has suddenly developed for the first time the practice of cosponsoring legislation, too, which means that there is a constant flood of bills begging for every Congressman's signature, whether he knows what's in the bill or not.

Eckhardt has a philosophy about writing legislation. "For instance," he said, "Lyndon Johnson's Great Society legislation suffered in some cases from the fact that he is what I call a legislative entrepreneur—result-oriented—not a craftsman. Too little of that legislation was governed by a firm view of what a bill is supposed to accomplish, and how."

"Look, for example, at the contrast between the Economic Opportunity Act and, say, the Wagner Act, which was modeled on a functioning New York law. Congressional acts, like the common law, ought to move carefully from precedent to precedent."

"But I'm the first to admit that it isn't easy to be a good legislative craftsman—not with twenty thousand or so bills coming into the House every year. That's why the committees up here are so important. To survive them, a bill must gain the attention of a committee and surviving a committee means passing muster with men who've spent a lot of time mastering the details of taxation, say, or trade regulation, or judicial procedure."

"(One thing you ought to say about the House.) I was told by one of Eckhardt's colleagues as we marched through the cavernous corridor that joins the office buildings to the House chamber, "is that a man's committee work is his life here, if he's serious. The real legislative craftsmen are in this house. Time is so short that when someone is allowed to speak he usually has something to say—not like the Senate, where you might hear almost any Senator talking in a half-assed way about almost any subject. You won't often hear it over here. Too little time.")

Too little time; too many members. During a week of prowling through the U.S. House of Representatives and talking with Bob Eckhardt about his job, these are the constant refrains. Because of them, the House is a pyramid resting on its apex, where legislation is usually marked pass or fail at a narrow, closely confined level. During the week I visited in Room 1741, the Commerce Committee was meeting almost every morning to complete the drafting of a complicated piece of airport legislation, and although the sessions were closed, its final action and vote would almost certainly determine the bill's

fate on the House floor. "Back in Texas," Eckhardt told me, "a committee report might be overturned or not—nobody thought very much about it. Here almost never." In the House conveyor belt for legislation, subcommittee chairmen defer to each other, committees to subcommittees, chairmen to subcommittee chairmen, and the House as a whole with very few exceptions to its committees. Often bills come to the floor under so-called "closed rules," with amendments barred. Democratic in theory, the legislative process is elitist in practice.

Bob Eckhardt, who brought an expert knowledge of federal labor law to the House, concentrates in the field but doesn't confine himself to it. I sat in late one afternoon as he and his aides, Glickman and Little, chewed over Eckhardt's "consumer-class-action" bill, a piece of legislation reflecting his passion for the fine points of federalism, combined with his interest in consumer protection.

"Today," he told me, "it costs the average consumer of, say, a defective box of breakfast cereal so much in legal fees that it would be silly to sue the company that made it. But if a number of similarly defrauded customers could pool their resources and bring a suit under the more liberal federal class-action rules, maybe some redress would be forthcoming.

"The victimized consumer ought to be able to get to court and collect when he's victimized by fraud, but a good piece of legislation will enable him to do so as elegantly as possible—without cluttering the law. You ought to be able to do it without writing a whole new federal law of deceit." (Eckhardt's federalist fastidiousness drips from every word.)

"But isn't the problem really that the courts would construe the law too narrowly, rather than too broadly?" asks Chris Little. "Maybe," Eckhardt concedes, "but if we define deceit too broadly the bill wouldn't pass anyway. It'd be like a Nixon program—all good intention and no action."

By 6:30 p.m. the House has usually adjourned and most of the staff have left. Eckhardt, Little, and Glickman end the day by deciding that Glickman will continue to consult with Senator Tydings' office, which is also interested in the class-action legislation for consumers, seeking to pool their efforts in a definition of fraud large enough to incorporate state laws but narrow enough to oblige Eckhardt's federalist qualms. A version of the bill was introduced in May 1969, and if Eckhardt and his cosponsors are lucky either the Commerce or the Judiciary Committee or both will arrange hearings for the bill. Only then, months after the first discussions and possibly jostled by several competing bills, would it reach the full light of legislative conflict as most Americans see it and understand it. But in the House, that would be the end, not the beginning.

[From *Trial* magazine, April-May 1970]

FEDERAL LEVERAGE

(By U.S. Congressman BOB ECKHARDT)

Most of the great pillars of our legal system are procedural, not substantive—due process, equal protection, the right to be tried by one's peers. Just as these are the wheels on which judicial justice rides, there are similar wheels that keep the economy rolling with a degree of equity and fair play—collective bargaining, commission controls, yardsticks like the Tennessee Valley Authority (TVA) and the Rural Electrification Administration (REA).

But no such vehicle for justice, equity, and fair play exists for the consumer. Congress has the means of making one—one that is self-induced and self-propelling, independent of the good motivations and energetic administration of a commission. As is all too well known, government agencies are not always energetic and prompt. Relief is often

inadequate. The Federal Trade Commission, for instance, was created as an administrative agency to protect the consumer against unfair and deceptive trade practices. The Holland Furnace Company case illustrates the inadequacy of this protection.

In December 1936, the company agreed to a Federal Trade Commission consent order against certain misleading advertising claims. The proceedings dragged out through 1954. Not until 1958 was a cease and desist order issued. This prohibited Holland "from engaging in a sales scheme whereby its salesmen gained access to homes by misrepresenting themselves as official inspectors and heating engineers. Having gained entry they then dismantled furnaces on the pretext that such was necessary to determine the extent of necessary repairs." Holland Furnace Company ignored the court decree enforcing the cease and desist order and was heavily fined for contempt of court in 1965.

If it thus takes 29 years for the consumer to get relief, there is something wrong with the governmental machinery that purports to afford such relief. I have come to have serious misgivings about the ordinary policing agencies' ability to protect the people. Administrative budgets and personnel are limited, and the agency, so to speak, stumbles over its own processes. Hurdles and barriers are written into agency laws by lobbyists for the industries controlled, and the possum is set to guard the chicken coop.

In trying to devise legislation that will work in the consumer field, I have kept these points in mind. Good legislation must envisage the existence of competing interests or of forces which are otherwise self-motivated. And it must supply machinery, readily at hand, to accomplish the public purpose: the protection of consumers in the marketplace.

The diffuse interest of the purchaser engaging occasionally in the particular type of transaction does not measure up to the intense interest of the seller in making that transaction highly profitable when repeated thousands of times. The techniques used may include conditions or provisions that are illegal or unenforceable, but it is simply not practicable for the single purchaser to contest them.

It is, in my opinion, not practical to try to delineate all the types of practices perpetrated against consumers which entail fraud, deception, overreaching, and vending such shoddy merchandise as to breach an implied warranty that the merchandise is suitable for its apparent use. Neither is it practical to establish at a federal level an entire new substantive law of deceit. And, as we have seen, dependency on governmental nurse-maiding is likely to result in disillusionment.

I think it is better to rely on existing statutory and common law, and developing concepts of the duty of the seller to deal fairly in the marketplace—concepts which are developing in the courts in civil cases and in Federal Trade Commission proceedings. Such development should be encouraged by federal procedural law like that contained in H.R. 14585.

Existing substantive law is, or is becoming, adequate to protect the consumer's interest in the marketplace. But the machinery of protection is not adequate. State procedural law is in most instances clumsy and antiquated.

As we have already intimated, the main reason why consumers cannot be properly protected under existing process is that their individual claims are too small and they cannot be aggregated in class actions in most instances and in most jurisdictions.

Deceptive advertising, usurious interest rates, overpriced drugs and food, and adulterated meat are all wrongs involving small amounts of money, many under \$200. Very few would be large enough so that a wronged consumer could effectively secure his rights through the law. The duped consumer is apt to have precious little money to support a

test case to establish the rights of the many. The amount he may recover is not likely to pay the court deposit—let alone the lawyer's fee.

Few lawyers, other than the very young and idealistic, are willing to endure time-consuming litigation for a \$50 fee. A \$200 judgment is not likely to be a powerful deterrent to the wrongdoer. The usury laws prove this.

In a study conducted under the auspices of the University of Pennsylvania it was concluded: "The number of consumers having no redress because the amount lost is not commensurate with the attorney's fee constitute the vast majority." Small claims generally do not warrant individual litigation and the misbehaving corporations that bilk the consumer know it. "In many instances, fraudulent operations carefully avoid cheating individuals out of large sums of money because they realize that no one bilked out of \$50 is going to pay a lawyer to get his money back," the study added.

As we have indicated, state laws have gone a fair way to devise substantive provisions for consumer protection. And the state courts have hewed out, by common law process and statutory interpretation, a considerable body of consumer law. But the processes of the state courts do not afford effective means of permitting many persons who have bought from different agents of a given defendant, or from the same agent in different transactions, an opportunity to lump their claims together so as to have a large enough damage claim to finance the suit; the court costs involved, the lawyers' fees, and costs for such notices as must be printed.

Therefore, the Consumer Class Action Act (H.R. 14585) establishes federal policy that this machinery shall be available through use of the federal courts and their liberal procedure for joining many persons in class actions.

Section 4 contains the gravamen of the bill. It makes an "act in fraud of consumers which affects commerce" an unlawful act which will give rise to a civil action triable in the district courts of the United States. Such suits may be tried without regard to the amount in controversy.

An "act in fraud of consumers" is defined as including two distinct things: An unfair or deceptive act or practice as the Federal Trade Commission Act condemns in Section 5(a) (1); and an act which gives rise to a civil action by a consumer or consumers under state statutory or decisional law for the benefit of consumers.

Such a suit in federal court would apply the law of the states in exactly the same manner that the federal courts apply such law in a diversity of citizenship cases. Thus, the court in any suit is dealing with a definite body of law in a manner in which it is accustomed to deal with such law. There is nothing unfamiliar in the act which would make it difficult for the court to proceed according to customary practices. For instance, the conflict-of-law law which ordinarily applied in adversity cases would establish the law applicable to any body of facts before the court.

It is very important, however, that these substantive offenses, initially spelled out in state law, be considered as federal offenses triable in a federal court and that the basis for jurisdiction be without respect to amount in controversy.

Of course, suits in federal court on diversity of citizenship can presently be tried on the basis of state substantive law, just as suits under this act would be tried—with one exception: There is no requisite of jurisdiction based on jurisdictional amount in this act. This is important because in *Snyder v. Harris*, 89 S. Ct. 1053 (1969), it was held that claims of the individuals in the class action cannot be aggregated toward the \$10,000 minimum.

As is well known, cases come into the fed-

eral court through two doors: (1) diversity of citizenship with a \$10,000 jurisdictional amount; and (2) federal question jurisdiction. In the latter type of case the jurisdictional requisite may apply but the statute involved itself may waive it. That is what is done here.

The Class Action Bill will allow consumers to achieve justice in federal court if state class action statutes are inadequate and too rigid to protect legal rights.

Perhaps the most notable failure is in New York where the recent case of *Hall v. Coburn* has been litigated.

This case involved a consumer class action against a finance company which had allegedly violated the New York Retail Installment Sales Act by using contracts printed in less than 8-point type. The NAACP Legal Defense Fund sought refund of the service charge, a statutory penalty, on behalf of all consumers who had signed small-type contracts prepared and repurchased by Coburn Corporation within the period of the statute of limitations.

The Longworth Building, where Eckhardt parks his bike every day for a quick elevator ride to the seventh floor, is one of three House office buildings. Its offices are arranged four-square about a courtyard planted with three forlorn rows of shrubs, and looking down from a fourth-floor window you half expect to see a queue of prisoners taking the air.

On this morning, the Hard Core were meeting in the offices of Representative Dave Obey of Wisconsin, a newcomer whose office walls are decorated with peace emblems and anti-DDT posters, and whose credentials no doubt permitted him quicker entree into the inner cells of House liberalism than Eckhardt's. In fact, Eckhardt is the only Southerner in the Hard Core. Others—Representative Ed Koch of New York, Abner Mikva of Illinois, Patsy Mink of Hawaii, Brock Adams of Washington—have some seniority behind them but not enough to be part of the committee establishment that runs the House. Gathering in Obey's office, the regulars joke about the District of Columbia crime bill, a civil libertarian's delight from the Justice Department. Koch complains that post offices in his district are dumping his news letters and asks what the others do about that problem. Patsy Mink, just back from Hawaii, takes a good bit of ribbing about her new district, now mainly agricultural. "Boy, am I going conservative," she says.

The hard core is representative, I gathered as I listened to the discussion, of a certain group of younger, seniority-shy members who hold senior members in some affection but believe that the committee chairmen are too powerful and too independent. This they blame largely on the "leadership," a word spoken in Eckhardt's circles with a certain bemused disdain. Speaker McCormack, the ancient presiding officer of the House who is familiar to Americans as the old gentleman with the gaping mouth who sits behind the President during joint sessions, is agreed to be wrapped up in "the goodbye game." He is preoccupied, they complain, with house-keeping matters like the controversial extension of the Capitol West Front, improving the food service in the various dining rooms, and placating House employees. (If Mr. McCormack is somewhat remote from the infighting on national issues, he perks up at the slightest sign of disorder or discontent in the household. When one fairly prominent Midwest Democrat joined several others in speaking about the treatment of the dining room employees, he was startled by the Speaker's response. "After the speech, he telephoned to say that he's with us and followed it up with a meeting and other phone calls. You know why? If there were an employees' demonstration, he's the one who'd be embarrassed.") Majority Leaders Carl Albert, McCormack's deputy, is suspected of secret sympathies. But as the heir-apparent

to the speakership he must play conciliator. When Bob Eckhardt took me by Mr. Albert's office, I found the Majority Leader a friendly, diminutive man with twinkling eyes and a soft voice. He bristled only when I asked him the usual clichés about the House—for instance, that it has become a less responsive chamber than the Senate.

On the Wednesday, before I met with the Hard Core in Obey's office, the insurgents had won a small victory in the caucus—a resolution "adopting" the 1968 Democratic platform as the basis for legislative initiative in the 91st Congress. "You can't understand the caucus problem," Eckhardt explained, "unless you understand that it's the only House forum where people who think as I do—the activists, the impatient younger members—have a potential majority." The powerful committee chairmen despise the caucus. "Do you know the difference between a caucus and a cactus?" one asked. "In a cactus, the pricks are all on the outside." Knowing as they do that the insurgents want to use the caucus to bring pressure on them, the committee chairmen yearn for the old days when Speaker Sam Rayburn controlled it, fearing that it would develop into a scene of family quarrels among Democrats, especially over civil rights.

Several months after my bill was introduced, the President endorsed generally the concept of class actions and subsequently introduced his own legislation, H.R. 14931 and S. 3201. I submit the Nixon bill is itself unfair and deceptive to the public. In theory it purports to establish a buyer's bill of rights. In fact, it attempts to sell to the buyer a bill of goods. It lulls the public into thinking they will be protected.

Under the Nixon approach, no action may be brought by an individual or a class until the government has successfully terminated its own lawsuit. There is no precedent in the annals of federal legislation for this. The government would decide which private rights are to be enforced. The Attorney General and FTC stand, as it were, like traffic policemen, giving the green signal to one group of would-be litigants and the red signal to others.

There is, it seems to me, a serious constitutional question here involving procedural due process. Can government establish that certain acts are prohibited and that their commission may result in civil liability but then afford a remedy only to those injured by that wrongful act which the government chooses to single out?

It would seem that all consumers affected by the proscribed activity of fraud, deceit or overreaching would constitute a class of persons whose rights under the law have been invaded. But the violation of the right of any one of them gives rise to a remedy subject to the discretionary action of the Department of Justice in bringing a governmental action against the offender.

For instance, suppose Montgomery Ward and Sears Roebuck both manufacture chain saws whose lubrication systems are so defective that the links wear out and the chains fall apart at a time far short of the warranty. By selling the saws under such warranties, exactly the same breach of duty has been committed against the purchasers of both companies. But the Attorney General chooses to sue only Sears Roebuck. The Attorney General, under the act, can thus choose which potential civil litigants, whose rights have been invaded, will have remedy.

If this is not actually unconstitutional, it is a policy which is most reprehensible, one which is conducive to official corruption.

The hypothesis assumes a defective lubrication system and a violation of law. But in any actual cases this question cannot be determined until after trial. Suppose the allegations upon which a case must rest cannot be sustained in either the case of Montgomery Ward or Sears Roebuck. The

bringing of the case against Sears Roebuck opens up a flood of expensive private, civil litigation against that firm, with attendant bad publicity, but insulates Montgomery Ward. Such a provision of law would invite politics and graft in the governmental process.

The same situation does not exist in the case of the antitrust laws. There a federal civil antitrust action does not have to await a criminal action.

The process provided under the Nixon approach is further defective in that inherent in it are the same defects that presently exist in dependence upon the FTC as the consumer's watchdog. It merely utilizes the Justice Department in the same general way that present law utilizes the Trade Commission. Of the two, the Commission is better staffed and better versed in the subject matter than the Department.

The Federal Trade Commission receives 9,000 complaints a year. They are able to investigate only one out of eight or nine. Of the 10% or so that are investigated, not even one in ten results in a cease and desist order. To make that kind of record, the FTC has 1,300 people, including 500 lawyers and a \$14 million budget.

The Administration proposes to allow the Justice Department to receive complaints, investigate each one of them, and then decide whether to bring suit. It may be argued that the existing attorneys can do the job of investigating and bringing suit. Yet one need only examine the record from the hearings before the Committee on Appropriations for the Justice Department to see how the Department is already overburdened and understaffed. The consumer will pay the price.

The Justice Department, if we are to be realistic, will have to establish priorities. They will have to decide what they consider important or unimportant—and its priorities may not always coincide with those of the victimized consumer.

The small consumer stands to benefit least from this provision. Poor, uneducated, and somewhat skeptical of the government to begin with, he probably will have little success in convincing an agent of the federal government by letter or in person that he has a valid case. If the small consumer cannot get the Department of Justice to seek relief for him, he is left with very little means of help under the Nixon approach.

The only way that some may get action may be to hire a lawyer to represent them before the Department of Justice. Thus, a consumer may, in effect, have to press his case twice: once before the Justice Department or the FTC and then again, if he is lucky, before the court.

But who is most likely to be able to hire a lawyer to press his case with the Justice Department: (1) A competing seller who would like to open the gate to civil litigation against his competitor, or (2) any seller who would like to keep the gate closed to litigation against him?

The consumer himself is the last person likely to be represented by counsel before the Department of Justice—and is, I submit, the last person likely to get justice.

This proposition is not altogether unprecedented. The government has hesitated in the past to protect the small man's rights: Anti-pollution violations and civil rights violations are recent examples.

The people best able to protect the rights of the consumer are the consumers themselves. The government can help but it should not be able to prohibit. That is why our bill allows class actions directly without government interference.

The potential of delay, though, remains the greatest drawback in the Administration approach. The complaint must come in, be considered, investigated, sent up for further action, and then prosecution may result, just as in the case of the FTC. All of this takes time. In a case before the FTC involv-

ing the Crawford Corporation and interlocking directorates in the prefabricated housing industry, the case was dropped on April 4, 1969, when it was discovered that the defendant had withdrawn from the prefabricated housing business in the early months of 1964, five years earlier.

In the Federal Trade Commission the average time lapse is four years, with two years of investigation and two years of prosecution in the central office. Until the end of that period, there is no halt upon the activities of the company. The Justice Department, with far less resources devoted to consumer affairs than the FTC, cannot hope to achieve even that degree of promptness.

The Consumer Class Action Act would allow a group or class of consumers to sue the defendant directly. This approach needs no government subsidies to pay for it. It needs no department to administer it. In contrast, the Administration bill not only will require lawyers, investigators, and economists, all paid for by the government, but it also will require two lawsuits where one is sufficient. The federal courts are already overburdened and it makes little sense to have the government institute one lawsuit and then the individual litigate the same matter in a different suit later.

Some reconciliations between the two approaches are, however, quite possible and, I think, desirable.

The framework of legislation recommended in the President's consumer report could be implemented by legislation in Section 4 of H.R. 14585. There, the first type of "act in fraud of consumers" is defined as "an unfair or deceptive act or practice which is unlawful within the meaning of section 5(a) (1) of the Federal Trade Commission Act." We would invite the use of this definition as a legislative vehicle to provide private citizen's rights to bring action in a federal court to recover damages as a result of the several specific fraudulent or deceptive activities which we understand the Justice Dept. to be framing.

In this section of the bill it may be conceded, arguendo, that there is merit to the President's rationale expressed in the consumer message: "The legislation I will propose will be of sufficient scope to provide substantial protection to consumers and of sufficient specificity to give the necessary advance notice to businessmen of the activities to be considered illegal."

Yet, under our approach, we have defined "unfair or deceptive practice" as any act or practice which is unlawful within the meaning of section 5(a) (1) of the Federal Trade Commission Act. There is an existing body of law compiled over a 55-year period, consisting of thousands of Commission decisions, which defines these terms. In addition, over 800 court opinions have been rendered which interpret the act. With this backlog of court and agency interpretation, there is considerable guidance available for interpreting "unfair and deceptive."

The eleven specific acts of the Administration bill cannot call upon this vast body of common law for interpretation. It further cannot reach all of the practices which our broader definition would reach. Collection practices, chain referrals, free gimmick transactions, and usurious credit terms are just some of the practices that will not be covered.

In conclusion, H.R. 14585 affords an extremely practical and effective way of establishing a strong body of consumer law. It acts pragmatically under existing law, permitting a common law approach for remedying and curbing overreaching in the marketplace. It does not attempt to anticipate in exquisite detail every fraud or act of overreaching which might give rise to a consumer class action. But since it adopts state law as federal law, it gains all of the specificity of existing statutory and common law applicable to the facts: The businessman has no-

tice of what activities are to be considered illegal in exactly the same manner that he has such notice in a case which is in federal court on the basis of diversity of citizenship.

It is the sponsors' hope that this bill will afford an opportunity, on a nonpartisan basis, for Congress to give the consumer what he has long needed—a fair break in his day-to-day dealings in the marketplace. It is not only the consumer that needs the assurance of the fairness of the marketplace but also the vast majority of merchants who do deal fairly. The good reputation of the marketplace is essential to a healthy free competitive economy.

HOW TO WRECK A NATIONAL PARK

Mr. HANSEN. Mr. President, as a member of the Committee on Interior and Insular Affairs and that unit's Parks and Recreation Subcommittee, I have been concerned—as have other members of the committee—with the increasingly heavy use of national park areas throughout our country. I was deeply interested by a thoughtful analysis of this problem by Tom Milligan, northern district ranger, at Grand Teton National Park in northwest Wyoming.

Ranger Milligan's statements deserve the attention of all Americans interested in preserving our great outdoor heritage.

The story I refer was published in *Look* magazine for June 16, 1970.

The article, written by Christopher S. Wren, points out that—

A difficult decision has been reached that, if national parks are to survive, the way they are used will have to change.

To those who have some familiarity with this question, it is vital that the proper amount of planning be accomplished now by both U.S. Forest Service personnel and National Park Service staff to make the wise use of forest service lands adjacent to the most popular national park areas for overnight camping.

It is in the area of providing overnight accommodations that the pressure in our national parks is greatest.

I am encouraged by efforts undertaken by the Forest Service to believe that the national forests can and will provide an effective way to relieve these park pressures.

Mr. President, I ask unanimous consent that the article, entitled "How To Wreck a National Park," be printed in the RECORD.

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

HOW TO WRECK A NATIONAL PARK

(By Christopher S. Wren)

Once, the National Park Service had to hustle for customers. Now it doesn't quite know how to keep them away. Last year, 164 million visits were paid to the national parks (many of them repeats by the same people), but such rampant popularity is enough to erode the park wilderness. Wyoming's Grand Teton National Park alone drew 3,134,000 visits—90 percent of them crammed between Memorial Day and Labor Day.

Still more visitors are expected this year. Tom Milligan, northern district ranger at the Grand Tetons, worries that the hordes of vacationers may, by sheer numbers, crush the fragile ecology he and other rangers are pledged to preserve. "Maybe someday," he

half-jokes, "we'll have to build a fence, tastefully, around a moose. We'll label it *moose* and tell you what camera exposure to shoot."

A love of the outdoors tempted Tom Milligan to take the job. He had smoke-jumped for the Forest Service before earning his B.S. in wildlife management at the University of Montana in 1953. He stayed on as a smoke-jumper foreman until he married in 1957 and joined the National Park Service.

Milligan is at ease in the woods. Out fishing in a remote corner of Yellowstone National Park in 1959, he was mauled by—and fought off—a grizzly bear. But the trout were biting, so he patched himself up and stayed out with his pregnant wife to fish three more days.

To cope today, Milligan says, a ranger needs sociology far more than backwoods savvy. Yet he can never entirely please the public and still save the park. "Parks are going to have to become a privilege, not something you just take for granted," Milligan predicts. Until then, he's got his hands full.

"Up to ten years ago," recalls Tim Milligan, "the parks were proud of people coming to visit. Today, there's too many people. You can't conserve and preserve under the present system with such a mass of people. We're batting our heads against the wall, but part of the fun is in batting."

Park attendance has more than doubled within the last decade, though only ten percent of the system so far is overcrowded. Still, during the summer months, congestion becomes desperate, not just in Grand Teton, but also in the equally popular Yosemite, Yellowstone, Great Smoky and Shenandoah national parks. Officials had hoped the \$7 annual admission fee might cut down casual visits. It sometimes makes matters worse. Tom Milligan explains: "A man comes with his family and pays the seven dollars and then is told there's no room. He thinks he is entitled to stay overnight."

Since 1916, the National Park Service has labored under a conflicting mandate "to conserve the scenery and the natural and historic objects and the wildlife and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations." The resulting confusion between *preservation* and *use* has given park rangers who run the 73 natural, 170 historical and 34 recreational areas a split personality.

George B. Hartzog, Jr., director of the National Park Service, argues it isn't really people who clog the parks: "It's the stuff people have—cars, trailers, campers, boats—that creates the jam. There's too much paraphernalia in the parks."

The mechanical tonnage in summer transit becomes awesome. Rangers at Grand Teton, who on occasion let in blocs of vehicles free just to clear the highway, get headaches from the exhaust. Campgrounds are transformed into aluminum cities and, when the electrical overload blows out fuses, residents complain to rangers that their electric blankets won't work.

More roads, more sewage plants and more campgrounds would have to be carved out of wilderness to meet just the present demand. Conceivably, the entire park system might end up under asphalt. The National Park Service isn't about to do that. Less than one percent of Grand Teton's 303,174 acres is in campgrounds. "If we were to double our camping space," says Chief Ranger Frank Betts, "next year we'd be just as crowded. We can't ruin what this place was set aside for just to provide for the enjoyment now."

Hartzog insists that national parks are not meant to be way stations: "You can't fulfill the demand for recreational camping in the national parks. We should offer a range of camping experience and not try to meet the entire demand."

"Parks are not for all people for all pur-

poses at all times. There's a need for outdoor recreation involving a whole gamut of games. But you wouldn't go to Yosemite to play baseball, although baseball is a worthwhile endeavor. You don't put the bathtub in the living room."

Vacationers, afraid of being bored, do pack along almost everything but the family bathtub. Paradoxically, the most crowded parks are still under-used. At Grand Teton, rangers estimate that barely two percent of the tourists venture further than a quarter-mile from the road.

The prospect of all those people really getting out of their cars and tramping the back trails isn't particularly inspiring either. An outhouse had to be hauled to the summit of 14,495-foot Mt. Whitney in Sequoia National Park to accommodate the waves of climbers. Even Grand Teton's remote Lake Solitude has become polluted from horseback traffic.

Rangers have waged running campaigns against littering and vandalism. But what if tourists no longer drop candy wrappers on Yellowstone's nature trails or fling beer cans over Grand Canyon's rim just to watch them fall? What if tourists no longer filch rare wood from the Petrified Forest or chisel their initials into national monuments? The crowds will still get larger. "If you follow the projected lines in population growth and park visitation," says George Hartzog, "there comes a time when you will have to say—no more people."

The National Park Service has concluded that depending upon the park, regulation is the only alternative to ruin. Overnight camping fees are being imposed this year, more to encourage private competition outside the parks than to earn money. Camping is now limited in duration, and may eventually be by reservation only. New campground construction has stopped. Some campgrounds have been redesigned with fewer sites to preserve privacy. Primitive mountain chalets are being considered as replacements for back-country camping.

Though some traffic congestion has been relieved by making roads one-way, as in Yosemite, park officials agree that someday, private vehicles may have to be eliminated altogether. "The time has come for more than roads and automobiles," says Hartzog. "You let visitors use other means that put them into the park experience directly." Under discussion are monorails, tramways, minibuses and even hydrofoils and helicopters that will shuttle visitors from peripheral parking lots into the park itself. Those looking only for amusement will be encouraged to go to less fragile areas like the national seashores.

The National Park Service is also trying to bring more business into its sizable urban-park holdings, particularly from people who couldn't visit a wilderness area. Just outside Washington, D.C., the Service runs a farm of pre-tractor vintage, to which it buses ghetto children. It is now pioneering a nature center in a Washington low-income housing development.

A difficult decision has been reached that, if national parks are to survive, the way they are used will have to change. It may not be altogether a bad thing. A tourist who has to leave his camper or mobile home in a lot outside the park may leave his big-city nerves there as well. When he is alone, he will find the time to comprehend the primitive beauty and tranquility that caused the national parks to be set aside for future generations in the first place.

ILL TREATMENT OF POW'S IGNORED AT HOME

Mr. DOLE. Mr. President, this month's edition of the Navy League of the United States magazine contains an article con-

cerning our prisoners of war in Southeast Asia and the appeal for international justice held in Constitution Hall last month.

North Vietnam does respond to American pressure for information about our POW's and MIA's. Articles such as this one help to bring the plight of these men to the attention of the American public and help to increase the pressure on Hanoi.

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

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

THE UNKNOWN MEN: ILL-TREATED POW'S IGNORED AT HOME—SENATE DOWNS AND LARGE MAJORITY OF PRESS WILL NOT CONDEMN INHUMANE TREATMENT BY NORTH VIETNAM—PUBLIC OUTCRY SEEN ONLY HOPE

(By Heather David)

(NOTE.—Heather David, military reporter for the Fairchild Publishing Company at the Pentagon, was one of a small number of reporters to travel with Ross Perot on his chartered jet flight to Viet Nam to seek help for American POW's. She has also talked with the wives of captured Americans, and those organizations seeking to help with this problem.)

In times of often violent public demonstrations throughout the country, it is not surprising that a peaceful demonstration in Washington, D.C., even though it drew a crowd of almost 4,000 people, failed to make headlines.

But it was a meeting of tremendous significance for people, most especially the 1,000 attending relatives of American servicemen who may be prisoners of war of the North Vietnamese or Viet Cong.

The apathy of the press, particularly network television, was disheartening to those who sponsored the meeting. While the network crews were present, little or no coverage was aired.

A spokesman for Senator Bob Dole (R, Kans.), who organized the rally for the POW's told us "unfortunately people are just shying away from the prisoner of war issue. I don't know, maybe it just doesn't affect them."

PRESS RESPONSE POOR

The response by the national press was particularly disappointing because an aroused public opinion, it has been proven, is virtually the only thing which has helped the American prisoners of war with their Communist captors.

The Constitution Hall meeting was the largest public expression of support for the 1,518 U.S. military personnel who are known to be captured or missing in action, since the new Administration and the POW families decided to "go public" with their problem.

The decision to publicize the POW issue was made by Defense Secretary Melvin R. Laird in May, 1969, on the basis that Hanoi had not responded to any previous governmental efforts. There was the realization that the North Vietnamese were very conscious of public opinion in the United States, and it was felt Hanoi might react if faced with a concerted public appeal.

There are signs that the decision, which was an agonizing one both for the officials who must take responsibility for it, and the families, has paid off at least in a small way.

Before that time, less than 100 prisoners had been permitted to communicate with their families and then only through short, infrequent letters mailed months after they had been written. Some of these prisoners had been held as long as four years.

Why the previous Administration failed to act in a more positive way remains a moot question. The official story is there was fear

that public efforts would cause retribution against the prisoners. There are signs the POW policy may have been affected by other political considerations; a fear of "rocking the boat," while attempting negotiations with the enemy.

The man responsible now for prisoner of war matters in the Pentagon, Assistant Secretary of Defense for International Security Affairs Warren Nutter explains how the decision was made to "go public."

"Secretary Laird asked us early in the new Administration to study carefully past policy, appraise the results, and make recommendations on what future policy should be."

DECISION RISKY

"It was a risky decision," Nutter admits. "But there had been no discernible progress in the past. Also after talking to Korean POW's, which was the closest thing we had to the present situation, we decided to change our policy."

"Many families feel they might hurt their husbands or sons if they make public statements. They have been told from the beginning when we started going out to the public that they must make their own decisions and be guided by their own consciences. We've taken the position we feel public attention will help. But we're not going to try to decide this for them," Nutter says.

The results although small in humanitarian terms became evident fairly soon. "The number of letter writers started increasing toward the end of 1969, Pentagon officials say. "At the end of 1969 we had 130 letters. This year the number of men who have been permitted to write their families has gone over 200." This still means, however, that almost 1,300 families do not know if their men are dead or alive—no word has been received from them.

Mrs. Carlotta Peterson, wife of Air Force Major Douglas Peterson, explains what the letters mean to her. "This is my insurance. At the end of the war the North Vietnamese will have to give me back my husband or explain why they cannot. This is my insurance they will keep him alive."

LETTERS HER INSURANCE

Mrs. Peterson, whose husband has been missing since September 10, 1966, received her first letter from her husband January 21, 1970. It has given her and her family, including a three and a half year-old little boy who has never seen his father, new hope.

The families have been forced to base all their hopes on these few and infrequent letters. The North Vietnamese, Viet Cong, and the Pathet Lao have failed completely to grant any of the other elements of the Geneva convention governing treatment of prisoners of war.

These include humane treatment, regular correspondence, complete identification of all men held, impartial inspections of prisoner facilities, and release of the sick and wounded.

As Navy Lieutenant Robert Frishman, captured October 24, 1967 and one of the few prisoners ever released says, "I don't think solitary confinement, forced statements, living in a cage for three years, being put in straps, not being allowed to sleep or eat, removal of finger nails, being hung from a ceiling, having an infected arm which was almost lost, not receiving medical care, being dragged along the ground with a broken leg, or not allowing an exchange of mail to prisoners of war are humane."

PITIFUL DRIBBLE

The pitiful dribble of letters has been permitted only when there was some evidence of public indignation in the United States.

The Administration's first public move was a press conference held in May, 1969, for the Pentagon press corps. It is significant that two of the men whose pictures had appeared in North Vietnamese propaganda photographs

were Frishman and Postal Clerk 3rd Class Douglas Hegdahl. These photos, showing their obvious injuries and tremendous loss of weight, were shown at the Pentagon and some stories appeared in newspapers deploring their plight.

In August, these two, and a third prisoner were suddenly released by the North Vietnamese in an apparent propaganda move designed to show how "humanitarian" that country was.

But Frishman and Hegdahl made an important decision upon their release. That was, to become the first of the nine prisoners released to tell the world the truth about their captors.

POW'S SAID TALK

"I had to think about this for a long time," Frishman says. "But the more I thought about it the more I was convinced it was the right thing to do." The man who had the prison nickname "The Grim Reaper" because of his ghastly condition adds he talked the idea over with his fellow POW's before leaving. They urged him to make public statements, no matter what the consequences might be to them.

Today, Frishman still undergoes treatment for a crippled arm he never will have full use of again because of lack of medical treatment in Hanoi.

The two Navy men's stories raised at least some public opinion against the North Vietnamese treatment of prisoners.

Trips made by wives of missing men in an effort to find out from North Vietnamese embassies and the peace talk delegation in Paris also attracted some public sympathy. The response of the Communist world was mostly cruel.

Mrs. Stephan Hanson, wife of a Marine Corps captain shot down in Laos on June 3, 1967, went to the Pathet Lao representative in Vientiane, Laos, for news of her husband.

"He insisted our men were being well treated, but he refused to tell me why, at least, we cannot know which men are indeed, still alive."

In an effort to get rid of her, the representative gave Mrs. Hanson a photograph of a captured pilot supposedly guarded by a peasant with a hoe in his hand. "This photograph has added anxiety to 20 families in my situation, for all 20 of us feel that the captured pilot is our loved one, and yet the North Vietnamese have refused to identify him."

PEROT SPENDS MILLIONS

Some of the wives were supported in their efforts by Mr. H. Ross Perot, Dallas founder and president of Electronic Data Systems and an Annapolis graduate. Perot has spent an estimated \$2 million of his own money on the POW cause through an organization he calls United We Stand—money he pays taxes on before using.

Perot's first effort was to charter a 707 aircraft to attempt to deliver medical and food supplies for the American prisoners to the North Vietnamese. He visited their delegations in Vientiane, and Paris, and was rebuffed.

The Communists did challenge him with the statement that the people of the United States do not care about the POW's. They also spoke of them as "only such a few men." In addition, they challenged him to show as much interest in their POW's.

Early this April, Perot chartered another 707 to take some 80 newsmen, including this reporter, to South Viet Nam to visit the prison camps there. The group spent some five days in Viet Nam, inspecting the living conditions of some 30,000 of the 33,000 North Vietnamese and Viet Cong prisoners held by the South Vietnamese.

The conditions were similar to any Army barracks. In contrast to reports from the North Vietnamese camps, the prisoners were

obviously well fed, were permitted freedom within their compounds, and opportunities to work for pay. Unlike American POW's who have never received a single family visit and in most cases not even mail, the Viet Cong prisoners enjoy monthly visits from their families. All are permitted to write letters, although the North Vietnamese government has refused to receive letters from its own men, probably because it would then have to reciprocate by permitting Allied prisoners the same privileges.

AMERICANS UNAWARE

Perot tried to deliver films taken in the South Vietnamese camps to the North Vietnamese. He also attempted to deliver a Gallup poll which showed that 80 per cent of the American people aware of prisoner treatment believed the North Vietnamese were treating POW's badly.

(The poll also showed rather shockingly, however, that only 68 per cent of the American people had heard or read about the treatment of U.S. prisoners at all. One wonders what happened to the other 32 per cent and what the failure of the press may be in calling attention to the prisoners' tragic circumstances.)

The North Vietnamese refused to accept any of this material. But their bluff at least partially called, they again reacted by releasing a few more names, a few new letters.

"There is no question public pressure is the only thing these people will respond to," Perot says. "We made a number of private efforts, but we didn't get anywhere. It was only when we acted in the open with the public spotlight on us that results were produced."

The government agrees. While officially there is no support for the actions of private individuals like Perot, they are welcomed, as are the efforts by the Navy League, Veterans of Foreign Wars, and private corporations like Fairchild-Hiller Corp. which have taken full page advertisements to urge citizens to write to Hanoi.

The release of letters, unfortunately, has been through militant antiwar groups such as the "Committee for Liaison with Families of Servicemen Detained in North Viet Nam" headed by Mrs. Cora Weiss and David Delinger, one of the Chicago Seven who had to be released from jail to deliver the letters from Hanoi.

The North Vietnamese, perhaps feeling that the antiwar effort in the United States was being harmed because the truth about their treatment of prisoners was emerging, apparently chose this method of releasing letters to give these groups stature while at the same time relieving pressure against themselves.

Some of the wives have refused to have anything to do with these groups. While the Defense Department is concerned about these antiwar extremist organizations and their ties with Hanoi, it does not advise the wives to cut off this avenue of communications with their husbands. "We don't want to be supporting these groups in any way. But if they are helpful, we are not going to try to stop the wives from dealing with them," Nutter says.

Other Defense officials point out the problems of having the wives deal with such intermediaries. "We know about their family situations—who may have heart problems, or who may be near the breaking point. If we get word about their men, we send someone out to see the families, a family doctor, close friend, or flight surgeon if we know the news might be distressing. These groups call out of the blue. We would give anything to be able to protect the families," one of the officials working on the POW issue says.

One wife was called just before Christmas by a member of Mrs. Weiss' group and told that her husband was dead—that was all.

She was given no further details, nor any proof, and to this day she remains in an agony of uncertainty as to his fate.

One aspect of public support which many feel would do a world of good, but which has not been offered, is public condemnations of inhumane treatment by the North Vietnamese by such politicians as Senator William Fulbright or Senator George McGovern. The words of these and other "doves" who have been outspoken against the war have been widely used by the Communists to show antiwar sentiment against the United States.

FULBRIGHT, M'GOVERN SILENT

This reporter spoke to both their offices to determine whether they had made any expression of support for the prisoners. Senator Fulbright's press secretary, given the question, did not even respond. Senator McGovern's staff said the Senator had never called for North Viet Nam to abide even by the Geneva Convention nor has he spoken out about the treatment of POW's.

Lieutenant Frishman says when he was imprisoned, the daily propaganda broadcast he received was filled with these Senators' statements. His captors tried to break him down by telling him his country no longer cared about him.

"The longer you are away from reality the more you wonder what the heck is going on at home," Frishman says. "At home you hear both the strong left and the other side. But in a Communist country, they don't hear anything but the strong left."

Some of the wives have appealed to these Senators and others in the same position. They point out that no matter how anyone feels about the war, the treatment of prisoners is a question of human decency. But these men have not responded.

Such statements, along with a continuous flood of letters to Hanoi, and the activities which have been suggested such as a joint House/Senate meeting on the subject and mention in the daily Congressional prayers, could help. They could help convince the North Vietnamese that this country thinks as much about these men as it did the three Apollo 13 astronauts. That it has not forgotten the more than 1,500 men who if not dead are undergoing untold suffering and indignities.

WHAT OUR FLAG SYMBOLIZES

Mr. PEARSON, Mr. President, on the eve of Memorial Day, 1970, television station KTSB of Topeka, Kans., presented a news commentary on what our flag really symbolizes. This is a difficult subject on which to speak directly and with down-to-earth realism, but KTSB news under the direction of Mr. Richard Brewster has done just this. I invite the attention of the Senate to this balanced, sensible commentary and suggest that the observations contained in it are most helpful in bringing into perspective the problem of proliferating symbolism in our national political system.

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

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

MEMORIAL DAY

Memorial Day, tomorrow, thousands of Americans will visit local cemeteries and attend Memorial Day Services to honor the nation and those who have died defending it. The flag will be central in each ceremony because of what it stands for. Most of us don't stop often enough and ask what the flag really symbolizes.

The nation faces a continuing crisis on many fronts. Men's souls are tried by these times. And, it is not enough to simply extoll the nation's virtues unless we also acknowledge its problems and resolve to do something about them.

A rally 'round the flag has become a rare occurrence, at least in the traditional sense. It is time to ask why this is true.

More Americans than ever before are concerned about the nation's problems. The foremost, of course, is Southeast Asia. Perhaps the war issue has covered up other major problems. It cannot yet be said, for instance that Black Americans, Indians, or Mexican-Americans receive the full benefit of American citizenship. And, the nation and the world face extinction as our planet rebels against our abuses of it.

There is room for optimism, too. The great battles fought by labor organizers in steel mills and on factory steps have been victorious, though most of us remember the day a Southern governor used his state militia to block Black school children from the schoolhouse doors. Much progress has been made toward integration, though the internal war touched off by that confrontation is not yet through.

At this moment in the nation's history, our attention is directed toward the college campus on which many of these and other issues have become catalysts. Many Americans have rejected older values in the search for new ones. Perhaps that is part of the reason traditional flag day rallies mean less to us than they used to.

Values are changing in the United States at a rapid pace . . . faster than they changed following the Second World War. Then, as hundreds of thousands of troops returned home, old values were swept away and new values came into being. During that war, many men died . . . together and alone on lonely beaches. Part of Memorial Day is about those men and those who have died since. It is false and shallow to say those men died for a red, white, and blue piece of cloth. The flag is only a symbol of an ideal and people trying to achieve that ideal. It was for this these men died. It is this ideal, these people who make this day important.

As values change now, it becomes even more important to remember the reason we have a flag, why we observe Memorial Day. Too often we automatically suspect those who cry out for the chance of being subversive.

The machinery for change, for dramatic change, is built into the American system. When that system is functioning as it should, there is no need for revolution. The danger we face today arises because too many of us are willing to limit the freedom and liberty of those who dress differently, who think differently, or who act differently. To make such limitations is to make a fraud of the men who have given their lives to protect us and those who have sacrificed themselves to social change. It is to make a fraud of Memorial Day, of the flag, and of the ideals we take it to stand for.

We must remember that the most important social developments of American history were brought about by a few who were willing to sacrifice themselves.

Those who would sacrifice themselves to an unworthy cause cannot change a free society, in which all the citizens are allowed to hear their preaching.

America is all about this fact . . . that all voices must be heard. We must have the faith that our citizenry can distinguish the worthy from the unworthy voices.

If Memorial Day really is a day to remember what the country is all about, we must practice the faith . . . and keep it. The faith in the human enterprise. Only if we do, will the day, the flag, and indeed, the nation, continue to have meaning for all its citizens.

Good Night.

H. SMITH SHUMWAY, UNHANDICAPPED BY LOSS OF SIGHT

Mr. HANSEN. Mr. President, recently we had the good fortune in Washington to have a visit from a charming young woman from Cheyenne Central High School, in Wyoming, Miss Sondra Shumway. Miss Shumway was in the Capitol representing our State in the essay contest of the Veterans of Foreign Wars.

Her essay was entitled: "The Disabled Veteran as a Manpower Resource in My Community."

Sondra's father, H. Smith Shumway, is the subject of the essay. Mr. Shumway is a credit to our State and Nation, a man who lost his sight in service to our country, but who has overcome his handicap with hard work, a keen mind, and the inspiration of this philosophy:

I have faith that God works in mysterious ways his wonders to perform, and maybe I could better live out my life as a blind person than as a sighted one.

Mr. President, I ask unanimous consent that Miss Shumway's essay be printed in the RECORD.

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

THE DISABLED VETERAN AS A MANPOWER RESOURCE IN MY COMMUNITY

With the sudden blast of a land mine, the bright sunshiny day of July 27 was changed to total darkness for Lieutenant Shumway. In that quick moment he was condemned to blindness. The use of his eyes would never again be his privilege. In addition to his blindness, he was severely injured in his legs, hands, chest, and face which required two years of hospitalization. In this weakened physical state, living, rather than making a living, was the first problem tackled by him.

Mr. Shumway's adjustment to this world of darkness commenced in the hospital when he learned to put toothpaste in his mouth first in order to know the quantity he was getting to brush his teeth. He discovered that he could identify and recognize people by their voices as accurately as he had identified them in the past. Instead of associating faces with names, he connected sounds with names.

Upon stepping out of the hospital numerous adjustments were needed. Learning to travel in familiar and unfamiliar areas required the use of a white cane, alertness of all his senses, and great determination and courage. This ability he has mastered so completely that he independently travels thousands of miles each year, using all the commercial modes of travel.

At an early date in his blinded life he realized that his independence hinged on his ability to take care of and find his own personal belongings. He began arranging his sock drawers in sections in blue in one corner, brown in another, and gray in the middle. He also used this system for arranging his ties and other articles of clothing. He conceived a braille filing method to save important printed material. His office is organized in a similar manner. His system works so well that his children entrust their choice belongings with him as they know he will be able to return them if suddenly requested.

Mr. Shumway is very proud of his large family of eight children—seven girls and one boy. He has been able to fulfill their wants and needs from infancy. He has learned to dress and diaper, feed and burp, and play and entertain them with his magic tricks and "elephant jokes." If one observes carefully, he would notice that when he pours milk into his children's glasses, he

has one finger inside the glass to avoid filling it too full.

He has enjoyed frequent walks through the neighborhood with his children. Their friends often have joined them upon hearing his harmonica and his children's voices, singing along the way. Upon returning home, he resembled the Pied Piper.

Around his home Mr. Shumway has learned to paint with a roller and do carpentry work using a braille yardstick. He is very successful as Director of the Blind in Wyoming. He assists blind people in helping them adjust to their handicap, be accepted, and earn their own living.

Mr. Shumway feels that determination and desire are very important in the attitude of the blinded individual in order to make a successful adjustment. Placing religion arms length above everything else in helping him to accept and adjust to his handicap has given him solaces. He has said, "I have faith that God works in mysterious ways his wonders to perform, and maybe I could better live out my life as a blind person than as a sighted one."¹ He feels that his handicap has been a blessing because it has enabled him to feel, know and appreciate many important things that he might have missed had he remained sighted.

"He not only has made an outstanding adjustment but he is able to consistently maintain a high level of performance and to live a useful life. He gives no evidence of 'standing still' or 'resting on his laurels' but consistently works toward and attains worthwhile goals."²

The philosophy of adjustment for all handicapped persons is basically the same. They wish to be accepted as normal people within their own limits—not pitied. They need love, understanding and responsibility. Their attributes, desires, and ways of life will determine how quickly and completely they can adjust to their handicap in their environment.

"It's not what we've lost, but what we have left, and how we use it that counts."³ This is what Lieutenant Shumway, now H. Smith Shumway, substantial, contributing citizen, believes. I know this to be true, for I know Mr. Shumway well. He is my father.

THE GLEN ELDER DAM

Mr. DOLE. Mr. President, the recent dedication of the Glen Elder Dam marks the completion of a successful effort to control flooding and provide irrigation as well as recreational facilities for north central Kansas. It represents cooperation between the different branches of government and integration of the different levels of government under the guidance of the Bureau of Reclamation.

For these reasons, I ask unanimous consent that the remarks of Commissioner Ellis Armstrong, of the Bureau of Reclamation, made at the dedication of the Glen Elder Dam, be printed in the RECORD.

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

WATER IS MONEY IN THE BANK

(By Ellis L. Armstrong)

From my earliest days as a youngster growing up on a ranch in southern Utah, the sight of water has always exhilarated me.

¹"How I Overcame My Handicap," by H. Smith Shumway, 1952.

²From the biographical sketch of Mr. Shumway as a nominee for "Handicapped American of the Year," 1964.

³Harold Russell, National Chairman of Employment of the Handicapped.

Water meant life to us in that dry country and one of my first lessons was to conserve and use it carefully.

It was probably that admonition and my fascination with the work the Bureau of Reclamation was accomplishing in the arid west that influenced my choice of civil engineering as a vocation. I wanted to do something to help people and I could think of no better way to do it than to become an engineer and work for the Bureau of Reclamation.

Sure enough, I did go to work for the Bureau of Reclamation immediately out of college and most of my professional career has been devoted to water resource development. Long ago I became involved with the Glen Elder Dam as I prepared the preliminary designs back 25 years ago. I also had a role to play in the development of your sister river to the north, the Republican, for I first designed the Trenton Dam in the Office of the Chief Engineer and then was sent out to build it. Those days in Trenton were among the happiest in my life so you see I have a real love affair going with these rolling lands between the Missouri River and the Rocky Mountains.

Now, today, overlooking this beautiful Lake Waconda, my spirits are lifted to the skies again. This, to me is the real heartland of America the Beautiful. I am delighted that we, in the Bureau of Reclamation, have been able to construct the Glen Elder Project, for your area is surely richer for its completion.

I wonder how many of you think of water as money in the bank. One can always fix a value on land, and forests and mineral resources but did you ever consider the water and the air around us as the most valuable assets we have? Without them, the land would be valueless for it takes a combination of land, air and water for any living thing to exist in this frail biosphere which nature and the good Lord have provided for us.

Land you have aplenty and good rich land it is. Air you have in abundance also and for the most part it is clean and pure. But I can recall times in the past when it was polluted with blinding clouds of dust because of the vagaries of nature and man's failure to take care of his land. We have learned better now.

But we are still learning to take care of the third vital element in our biosphere, water. And without it, there would be no money in the bank and, indeed no bank to put it in. This project is a step in the right direction for it is part of the process by which we become the masters of water rather than its victims.

Glen Elder Dam and Waconda Lake will contribute nearly two-thirds of the flood control capacity required on the Solomon River. Flood control benefits alone are almost sufficient to justify the entire costs of the dam and reservoir.

Waconda Lake also will assure the city of Beloit and three rural water districts dependable year-round supplies for municipal and domestic use, while satisfying recommended minimum river flows for pollution abatement. To me, all of these benefits are the same as money in the bank to assure the economic stability of your area.

As of May 31, there were about 88,000 acre-feet of water in the lake. When the water rises to the top of the conservation pool, the lake will contain over 238,000 acre-feet of water and cover a surface area of 12,600 acres. Above this, more than 700,000 acre-feet of flood control storage will be provided.

This space, together with that of 10 other Bureau of Reclamation reservoirs previously constructed in the Kansas River Basin, makes a total of almost 2 million acre-feet of flood control capacity which the Bureau of Reclamation has provided to assist in controlling floods in this flood-prone region.

One of these is in Colorado, four in Nebraska and five in Kansas.

But there can be still more money in the bank. Ultimately, Waconda Lake can provide irrigation water to some 30,000 acres of farmland. The determination of the optimum irrigation development is currently under study.

The irrigation plan we are investigating would take water from Waconda Lake into a 29-mile long canal paralleling the Solomon River on the south side. A 121-mile underground pipe distribution system will deliver the water from the canal to the project lands.

Irrigation facilities were not included in the Glen Elder construction start in 1963 because local support had not solidified to a point that an irrigation district could be formed and the required repayment arrangements made. But interest in utilizing the water to be stored in Waconda Lake for irrigation development has risen sharply in the past few years. An energetic committee is proceeding with organization of an irrigation district at the present time.

The people of this area have, in the past, and will continue to plan an active and important role in the conservation and use of the water and related land resources of the Solomon Valley.

Officers and members of the Solomon Valley Flood Control and Conservation Association are to be complimented for their hard work and cooperation in pushing the Bureau of Reclamation towards construction of this great multipurpose project. The Glen Elder Irrigation District Steering Committee is heading up the organization of an irrigation district. Finally, the newly-formed Waconda Lake Association is doing a great job in promoting recreational and outdoor sports activities here. Recreation use of Reclamation reservoirs is climbing by leaps and bounds. You have a marvelous man-made lake here which will mean money in the recreation bank as well.

Completion of the Glen Elder Dam marks the end of our string of major authorized water facilities in the Kansas River Basin, terminating a construction program that has been maintained since 1947. But this does not mean that the task of water resource development is over. Our entire program of investigations on water use is indicative of what is ahead.

We had completed or nearly completed feasibility studies on seven projects in the Kansas River Basin when decisions were made in 1968 by the National Water Resources Council to change the formula on which project economic justification was determined. This new formula calls for a current discount rate of 4½ percent, compared with a previous interest rate of 3¼ percent. This action has the effect of decreasing benefits and increasing costs in the economic analysis of potential water resource developments.

We believe at least four of the seven projects we have studied can absorb the higher interest rate and still retain a favorable benefit-cost ratio, even though I believe this places undue weight on water users as compared with other benefits which are realized from project construction. I contend that current evaluation procedures must be updated in terms of what existing and future water projects are doing and can do for all the people in improving the quality of their lives.

These four are the Glen Elder irrigation distribution system; the Kanopolis Unit in the Smoky Hill Basin of Kansas, and the Angus Dam and Reservoir on the Little Blue River in Nebraska. We expect to submit the report of our feasibility investigations on these potential units to the Secretary of the Interior in 1972. Thereafter, they must be considered by the Congress.

The completion of studies of the Scandia and Nelson Buck Units in Kansas and the

Sunbeam Unit in Nebraska must await the release of new benefit evaluation procedures currently being developed by the Water Resources Council.

In the way of review, the Kanopolis Unit would take water from the Corps of Engineers' Kanopolis Reservoir to sustain the irrigation of 16,500 acres and to furnish a supplemental municipal water supply to the city of Salina. The water also would augment low flows of the Smoky Hill River to effect water quality control.

The Ellis Unit would include for construction of Round Mound Dam on Big Creek in Trego County, Kansas, to provide municipal water for the cities of Hays and Ellis while also furnishing badly needed flood control for these two communities.

Angus Dam would be constructed upstream on the Little Blue River from Fairbury, Nebraska, to provide 337,000 acre-feet of flood control storage. This development calls also for irrigation of 20,000 acres of land.

In addition to our work on the feasibility reports, we also are cooperating with both Kansas and Nebraska in development of long-range state water plans.

In Kansas, we are working closely with the State Water Resources Board in an overall investigation of the state's land and water resources. The study will include an evaluation of the surface and ground water supplies, an inventory and classification of the irrigable lands and an economic base study which has been contracted to Kansas State University.

From these studies will emerge a report outlining alternate potentials for development to serve as a guide to State and Federal agencies in future water resource planning. Thus we want to work closely with your state to put more money in the bank of useful working water.

Although we aren't happy about the present rate of water resource development, we are proud of what we have accomplished in the Kansas River Basin over the past 20 years. Reclamation has invested over a quarter of a billion dollars in the Basin during this time—an investment allocated about equally between flood control and irrigation.

Our 11 basin reservoirs have a combined capacity of almost 3 million acre-feet, with roughly one-third of this dedicated to irrigation and two-thirds to flood control. These multipurpose facilities control the runoff from 16,770 square miles, 25 percent of the total Kansas Basin area. At the top of the irrigation pools these 11 man-made lakes have a combined water surface of 45,000 acres embracing 425 miles of shoreline.

We have constructed irrigation facilities to serve almost 160,000 acres of land in the Kansas River Basin. Water is delivered to these lands through 1,000 miles of canals and laterals. In 1969, some 300,000 acre-feet of water was diverted through this network to irrigate almost 130,000 acres of land. The value of crops taken from these lands approached \$17 million. Our reservoirs have prevented roughly \$20 million in flood damages from floods that have occurred since our construction program started.

We have long been aware of the recreational potentials of our water resource development projects although official recognition of this benefit has come only in recent years. As a matter of fact, in my home state of Utah and elsewhere in the far West where the Bureau of Reclamation has been operational for many decades, some of the best fishing holes are Reclamation reservoirs. The streams below them usually have an improved fishery also.

The recreation facilities we are able to provide today are not provided as an afterthought. They represent careful planning, close involvement by agencies with a primary responsibility for the development of recreation facilities and considerable expense. Glen Elder Dam and Lake Waconda are a

perfect example of this careful interagency planning.

As a further example of the true multipurpose nature of this dam and reservoir a total of 26,350 acres of the land and water area has been dedicated to public benefit and use either for outdoor recreation or fish and wildlife purposes. The administration and management of these lands and facilities have been transferred to two capable agencies of the State of Kansas—the Kansas State Park and Resources Authority and the Kansas Forestry, Fish and Game Commission as at our other reservoirs in Kansas. The exception is Kirwin Reservoir, just upstream, which is a national wildlife refuge. We take considerable pride in this Federal-State cooperative arrangement.

Here at Waconda Lake some 1,350 acres of land surrounding the site where these dedication ceremonies are being held have been designated as a State Park and will be administered by the Authority. In addition to this visitor information building, which incidentally is one of the first ones we have ever constructed in the Missouri River Basin, we will open bids next week for additional access roads, camping and picnic areas and sanitary facilities. The Authority also has an ambitious program of additional development scheduled for the State Park area.

Waconda Lake and its peripheral lands constitutes an important new fish and wildlife resource in this part of Kansas. Word of its hunting and fishing potential has been spread far beyond the Solomon Valley. Here again this has come about by careful multipurpose planning.

The Division of River Basin Studies of the Bureau of Sport Fisheries and Wildlife began study of the Glen Elder unit way back in 1947. Let me quote from a report from that agency to the Assistant Secretary for Fish and Wildlife, Parks and Marine Resources, dated only last April 24. Here is what he said:

"It was recognized from the beginning that there was an opportunity to not only mitigate project-caused fish and wildlife losses, but to go beyond that and bring about an enhancement of fish and wildlife. As a result of close cooperation between the Bureau of Reclamation, the Kansas Forestry, Fish and Game Commission, and our Bureau, this enhancement has been brought about."

The Bureau of Reclamation turned over a total of 25,100 acres of land and water surface at the project to the Kansas Forestry, Fish and Game Commission for fish and wildlife and recreational uses. Under the state agency, hundreds of acres of milo were planted by local farmers under lease agreements with the Commission. One-third of the crop was left standing for wildlife food. In the initial filling process, this newly inundated grain was an extra attraction to thousands of ducks and a few hundred white fronted geese.

I understand that the past hunting season was quite extraordinary as a result. In addition, initial fish stockings have already produced good catches of large mouth bass approaching 2 pounds, this, in spite of the fact that the reservoir is new and less than one-third full.

Going back to the Bureau of Sport Fisheries and Wildlife, they sum up the efforts in this manner and I quote again from their report:

"We are extremely pleased by the fine cooperative effort put forth by personnel of the Bureau of Reclamation and the Kansas Forestry, Fish and Game Commission. We are even more proud of the service provided by our Division of River Basin Studies field people. It is through success stories of this type that we gain the opportunity to demonstrate the value of good fish and wildlife planning."

We have also arranged to utilize the expertise of your Kansas State University to help in revegetating and beautifying the dam and reservoir area.

The Bureau of Reclamation is also delighted to be a part of this joint cooperative effort. I believe the program at Lake Waconda is without question a positive addition to the natural environment. It fits in with our effort to meld the best of nature with those alterations which a man must make for his own survival and enrichment.

It is more money in the bank for betterment of mankind.

For all of these reasons, it is with pleasure that I join with Senator Dole and all of you good people here today in dedicating Lake Waconda to the service of the people of this area and for the further enrichment of mankind.

SENATOR FULBRIGHT WRITES ABOUT HOW STUDENTS EFFORTS TO END THE WAR SHOULD BE CONSTRUCTIVE

Mr. YARBOROUGH. Mr. President, since the U.S. invasion of Cambodia and the tragic shooting of four students at Kent State University in Ohio, thousands of students have come to Congress asking us to end the war. While I cannot speak for all Senators, I have been telling the students with whom I have spoken that they can help to change the policies of this Government if only they will work within the system for the changes they seek. Apparently, the Senator from Arkansas (Mr. FULBRIGHT), chairman of the Foreign Relations Committee, is of a similar mind in this matter, for he has stated his views with his customary eloquence in an article in the *Progressive*.

Mr. President, I ask unanimous consent that the article, entitled "What Students Can Do for Peace," published in the June 1970, issue of the *Progressive* on pages 15, 16 and 17, be printed in the *RECORD*.

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

WHAT STUDENTS CAN DO FOR PEACE

(By Senator J. W. FULBRIGHT)

We have had some shocks in recent weeks—few more shocking than the killing of four students at Kent State University and two students in Jackson, Mississippi. All decent Americans are saddened by these tragic and unnecessary deaths, just as they are saddened by the equally tragic and unnecessary deaths of other fine young Americans in Vietnam and Laos and Cambodia. In a manner of speaking, these students were casualties of war, and I regret very much that the President's response to the tragedies was lacking in compassion.

All of us are of course concerned now with the widening of the war in Indochina. Throughout the country students are protesting the invasion of Cambodia and the resumption of the bombing of North Vietnam in one of the most impressive, spontaneous, and—in Washington at least—peaceful displays of protest in our country's history. It takes extraordinary restraint to contain anger and prevent violence at a time when so many young people are angry and disillusioned with a Government which appears to have turned its back on them, a Government in which prominent figures have shown themselves coldly unresponsive to the wishes and convictions of the young. It is difficult indeed to contain anger at such a time, but it is also essential—vitally essential—if the protests are to be effective in

arousing public sentiment against the war, and not against dissent.

The point can hardly be overstressed. The only people whose purposes are served by student violence are those who are ready and waiting for an excuse to suppress dissent by force. Some of our young people have said they are willing to pay the price of martyrdom, but there is more at stake than that. The violent oppression which violent dissent invites would not end with the martyrdom of a few university students; it might well culminate in nothing less than the destruction of American democracy.

Who wants to be a martyr anyway? Who wants to go down to glorious defeat, or create a gallant legend—while the war goes on and the Philistines take over our country? Who wants to go down fighting when, with strategy and organization, you just might possibly win; you just might possibly succeed in changing some of the things that need to be changed in our society and saving the things that are worth saving. Dissent against this squalid war is more than an expression of democracy; it is also a reaffirmation of democracy, of youth's commitment to it, and of the desire of people of all ages to save American democracy from becoming another casualty of war.

I hope and urge that the young people of America continue their protests against the war. I hope and urge that they sustain their protests until the last American soldier has been withdrawn from Indochina. But I also stress the importance of strategy in dissent.

Instead of confining their expressions to mass demonstrations, the thousands of students who have come to the capitol to protest the war are beginning to employ the technique that businessmen and farmers and labor unions have found so rewarding over the years. The students seem to be in the process of becoming lobbyists for peace, making their views known, in a concerted, persistent, but peaceful and orderly way, to their elected representatives.

In so doing they are acting in the best tradition of representative democracy. They are also acting as patriots—not in the jingoist sense in which the term "patriotism" is commonly misused but in the sense defined by Albert Camus, who said that the true patriot is one who gives his highest loyalty not to his country as it is but to his own best conception of what it can and ought to be, and also in the sense defined by Adlai Stevenson, who used to point out that the true patriot was not only willing to fight for principles but also willing to live up to them.

For what cold comfort it may have, students may be interested in knowing that the feeling of an unresponsive Administration is not confined to the nation's campuses. Some of us in the Senate get the feeling now and then that our message is not getting through to people on the other side of town. Some months ago the Vice President paid me the compliment of saying that he had been "trying very hard for five or six years" to understand my positions but, unfortunately, "without any success." I appreciate his effort, and I have noted his lack of success, and I do indeed regret the inability of some of us in the Senate to get our meaning across.

For my own part, I have taken every opportunity I could find to bring authoritative and persuasive witnesses to the Foreign Relations Committee to discuss the war. Much of the potential political impact of what these witnesses have had to say has unfortunately been lost, because the media have not seen fit to transmit some extremely interesting testimony beyond the Committee chamber, except in limited and fragmentary form. In this respect—if not in some others—I am inclined to agree with Vice President Agnew that "... perhaps it is time that the networks were made more responsive to the people they serve."

The problem for some of us in the Senate,

as well as for people in the academic community, is how to get through to the country and to the President so as to bring an end to a stupid and indecent war. I am of the opinion that, at this stage of events, something more than rational argument is required—which is not to make a case for irrational argument, still less for violence and disorderly protest, which do far more to damage the cause of peace than to advance it. The problem is essentially one of political strategy, of campaigns, elections, and lobbying—of the bringing to bear of political pressures through the various channels open to us within the American political system.

Discouraging though it has seemed at times, I believe that the years of dissent have had important, though insufficient, effect. It is always difficult to speculate on what might have been, but I strongly suspect that things would be even worse today if it had not been for the determination of students and other citizens who opposed the policies of the previous Administration. I think particularly of those who became involved in practical political activities such as the New Hampshire primary.

Active, organized dissent is the only reliable restraint we have on a leadership which seems bent upon a disastrous course in Indochina. Cynical though it may sound, I have always suspected that Mr. Nixon did not put a stop to the Johnson escalation policy for purely philosophical reasons. He had a political incentive too, and I would hate to see that incentive taken away from him—all the more now when the Administration appears to have forgotten the fate of its predecessor, or else persuaded itself that it can pursue the same policies and still come out on top politically. Boring, repetitious, and simple-minded though it may seem, it is up to all those of us who oppose this war to keep on boring, badgering, and lobbying our leaders until they make peace. If they find this annoying, as they sometimes have in the past, we can always recall for them President Nixon's words of last December 8, that "the people of the United States are entitled to know everything that they possibly can with regard to any involvement of the United States abroad."

Turning now to the means by which students can most effectively influence our Vietnam policy, I stress again reliance on the conventional, institutional procedures. Some of us in the Senate are trying to build support for the Cooper-Church amendment to the Foreign Military Sales Act, which would prohibit the expenditure of any further funds for the conduct of hostilities in Cambodia. Some of us are also engaged in an effort to repeal the notorious Gulf of Tonkin resolution. Students who wish to lobby for peace—and, for that matter, non-students who wish to lobby for peace—might find it worthwhile to commend this legislation to their representatives in Congress.

Perhaps, to cite another example, a student campaign might be organized to build public and Congressional support for a negotiated, compromise peace based on the principles of a sharing of power among the various South Vietnamese factions and the prompt, phased withdrawal of all American forces from Indochina. Whatever the exact approach, organization and planning are required. Dissent, no less than war, requires a strategy if it is to succeed.

I am not much alarmed by the "revolutionary" activities of our young revolutionaries. They do not appear to have the numbers, the resources, the skill—or, most important of all, the opportunity—to make a radical revolution, but they might succeed in bringing on something resembling a counterrevolution from the right, inflated by support from great numbers of honest and decent but frightened citizens.

If there is any bias in our history and in the character of our society, it is not toward

the Left but toward the Right. The "Red scares" of our past, from Sacco-Vanzetti to Alger Hiss to the "effete snobs" and "rotten apples" of more recent vintage, have never amounted to much as far as threatening our society is concerned, but the anti-Red reactions have amounted to a great deal. Taken together, the right wing bias of our past, the intense, obsessive fear of Communism, the disruption wrought by thirty years of chronic war, the power of the military-industrial-labor-academic complex which chronic war has spawned, and our failure to come to grips with urgent problems at home—all these collectively have posed a great strain on American democracy.

Confronted with so great a concentration of forces on the other side, the extremists of the Left can have little hope of working their will on our society, but they could bring down on themselves a counterrevolution from the Right which would surely destroy their movements and possibly destroy democracy as well. I venture to predict that, if American democracy is overthrown in our generation, it will not be by radicals flying the Vietcong flag but by right-wing radicals flying the American flag.

Even if it were possible, and desirable to overthrow the existing system, history suggests that what we would get would not be something better but chaos and disaster—as was the case with the French and Russian Revolutions, at least in their immediate aftermaths. I think our system is a good one, given the nature of our society, but even if one does not think so, there is an excellent case to be made for preserving it. That case, quite simply, is that destruction of the system would almost certainly lead to something worse—and something quite different from the dreams of the revolutionaries.

Radically different in motive and purpose though they are, the humanitarians of the New Left who would remake our society through social revolution share one common trait with the social scientists who think they can manipulate society with their computers, with the strategists who write about the "responsibilities of power," and with the theologians who construct ponderous theories of the "just war." That common trait is a supreme confidence in their own capacity for moral choice.

I am unattracted by that excess of conscience which leads individuals to invoke a "higher moral law." I mistrust too much conscience because it places too heavy a burden on human judgment, which we all know—or ought to know—is susceptible to distortions ranging from rationalization to total obsession. In broad terms, and for most purposes, I would rather be ruled by law than by conscience, because law, imperfect though it is, is the only means we have of protecting ourselves from the arbitrariness, capriciousness, and susceptibility of our own human nature. A reliable, undeluded, objective morality would be preferable to law if it were attainable, but I do not think that it is.

In any matter of justice or morality, the critical question is always: *Who* is to make the distinction between right and wrong, between progress and regression? Professor Herbert Marcuse suggests that the man qualified to make this distinction for society as a whole is "everyone in the maturity of his faculties as a human being, everyone who has learned to think rationally and autonomously." With all respect for Professor Marcuse's significant insights into the nature of our society, I think that he begs the question of moral choice. How are we to select those special individuals whose maturity and capacity to think rationally and autonomously qualify them to make important decisions for society as a whole? Can they really select themselves? Would any of us volunteer to disqualify ourselves?

To be in a position to make moral judgments for society as a whole, one must possess

power, and nothing distorts human judgment more certainly than the possession of great power. If history has taught us anything about power, it has taught us that the corrupting effects of power are not confined to bad men; good men are corrupted too, and the evil which they do in good causes is no less evil than the evil done by mad men in bad causes.

It is not just *what* one thinks but *how* one thinks that makes a person dangerous and destructive. It was not just the moral and strategic opinions of our leaders and their intellectual supporters that got us into Vietnam; it was their arrogant certainty of the rightness of their own predictions and opinions. Like it or not, there is one thing that even the most committed of social reformers share with the strategists and the moral crusaders: human nature and its susceptibilities. We cannot escape them, much as we might like to, and, because we cannot, we do well to remember Judge Learned Hand's warning that "the spirit of liberty is the spirit that is not too sure that it is right."

I am aware of the skepticism young people may feel when they are called upon to respect their country's institutions. They have seen these institutions misused and even corrupted in too many instances in recent years. Some of us in the Senate have shared that experience. We were deceived about the Gulf of Tonkin in 1964; we were deceived about the Dominican Republic in 1965; and, as the special subcommittee headed by Senator Stuart Symington has shown, we have been deliberately and systematically deceived over the past several years about the extent of American military involvement in Laos. Now, by invading Cambodia and escalating the war without notice or authorization, the Executive has deceived the Congress and the country once again, with consequences that cannot easily be foreseen. The term "credibility gap" is a tame euphemism for the practices to which it refers.

If many of our young people feel contempt for their country's institutions, it must be admitted that an example was set for them on the highest level. No one, however, is under any obligation to follow that example. We can, if we wish, undertake to restore the integrity of American democracy rather than compound the problem, as some liberals have done, by bestowing their benedictions on violence and disorder. To my mind it makes no sense at all, when we see our democratic institutions misused, to decide that we might as well go on to finish the job by destroying the institutions altogether.

There are ample possibilities for a strategy of dissent through the processes of American democracy. In addition to lobbying for peace through the legislative process, there is an obvious and promising strategy in this election year: to take to the political hustings and to work in an efficient and organized way for candidates who favor peace. In many if not most of the contests for the Senate and House of Representatives this year, the outcome might be significantly affected by, say, fifty or 100 efficient precinct workers seeking support for their candidates on the weekends preceding either primaries or the general election. It was not, I remind you, a purely intellectual process that led President Johnson to revise his escalation policy in Vietnam.

The election of 1968 did not resolve the issue of Vietnam as we had hoped it would, and as it should have. That is a disappointment, but there is no use crying about it now when our efforts can be put to more productive use in elections still to come. Ringing doorbells and passing out handbills are neither as dramatic nor as cathartic as a march on Washington or a student strike, but they speak the language that politicians understand: the language of votes.

Discouraging though it may seem at times,

peaceful political dissent at home is the most powerful incentive our policymakers have for bringing the war in Indochina to an end. The real impact of orderly, democratic dissent in America is not on the policymakers in Hanoi, as people who support the present course are fond of asserting, but on the policymakers in Washington. That, no doubt, is why they object to dissent, and that is why those of us who oppose this war must sustain it.

NEW YORK INSURANCE DEPARTMENT DECISION REGARDING AIR-TRIP TICKET ACCIDENT INSURANCE OVERCHARGES AND COMPARISON WITH CREDIT LIFE INSURANCE OVERCHARGES

Mr. HART. Mr. President, the Subcommittee on Antitrust and Monopoly has been investigating the insurance business and its regulations by the States for the last dozen years. The first area focused on was aviation insurance. During the course of hearings in 1958, much testimony was received on air trip insurance sold at air terminals either at booths or coin-operated machines. The subcommittee learned that the public was receiving 25 cents in benefits per premium dollar for this insurance. Now, 12 years later, Superintendent Richard E. Stewart, of the New York insurance department, has found that during the 8-year period, 1961 through 1968, buyers of air trip insurance policies have paid \$117,439,000 but only received benefits of \$30,217,000 or an average of 26 cents for each premium dollar. Where did the difference of some \$87 million go? The New York insurance department found the \$87 million was divided equally among airport terminals for the booths and coin-operated machines, selling costs, and insurance company overhead and profit. Superintendent Stewart ordered that air trip insurance policies previously approved by his department be withdrawn on September 1, 1970, because the benefits were unreasonable in relation to the premium charged. New filings for air trip on a 40 percent benefits to premium ratio will be approved.

This is a step in the right direction, but we should be aiming for, at least, a 70-percent benefits to premium ratio.

Mr. President, the McCarran-Ferguson Act, passed by the 79th Congress in 1945, provides that Federal antitrust laws and the Federal Trade Commission Act are only applicable to the insurance business to the extent that it is not regulated by State law. It is our understanding that many States currently do not have laws regulating the prices and practices of air trip insurance. It appears that the Federal antitrust laws and Federal Trade Commission Act would be fully applicable. Because each of my colleagues has at least one major airport selling this insurance to interstate travelers in their State, I am asking, publicly that the Department of Justice and the Federal Trade Commission investigate whether the pricing, selling practices and other activities of the insurance companies and airport terminals violate the Federal antitrust laws in these States where there are no State laws or regulations.

Mr. President, I would like to call at-

tention to the New York Insurance Departments' point that insurers compete for air trip insurance franchises at terminals by bidding up the rental much in the same way credit life insurers compete for finance company business by bidding up the kickback to the lenders. Credit life insurance pays off a borrower's debt to a lender if the borrower dies. This insurance is commonly sold by the lender as a part of the credit transaction. In 1967, the Antitrust and Monopoly Subcommittee held extensive hearings on credit life insurance. The subcommittee found that the public in 1968 paid nearly \$250 million in excessive charges for credit life and credit accident and health insurance. Pending now before the Subcommittee on Financial Institutions of the Senate Banking and Currency Committee is a bill—S. 1754—which would have the Federal Reserve Board set maximum rates for credit life insurance—any State whose rates were the same as or lower than the Board's rates would be exempt.

The able Senator from Wisconsin (Mr. PROXMIER), the chairman of that subcommittee, held a series of hearings on the bill last summer, but no other action has been taken. Each month of delay costs innocent borrowers some \$20 million in overcharges. In a period when many family budgets are pulling apart under inflationary stress, that waste of money is particularly trying.

Mr. President, I would hope that action will be taken soon to protect the public from excessive charges for both air trip insurance and credit life insurance.

Mr. President, I ask unanimous consent to have printed in the RECORD the opinion and decision of the New York Insurance Department.

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

[State of New York Insurance Department, New York]

OPINION AND DECISION

(In the matter of Air Trip-Ticket Accident Insurance)

This is a decision in an administrative proceeding conducted by the Insurance Department to determine whether the Department should withdraw its approval of certain insurance policy forms providing "air trip-ticket insurance."

I. BACKGROUND AND PROCEDURE

Air trip-ticket accident insurance is insurance providing death, dismemberment and medical expense benefits on account of accidents occurring during the course of travel described in the insured's airplane ticket. The insurance is usually sold at airline terminals, either at booths or through coin-operated vending machines.

The Insurance Department must approve the form of any air trip-ticket accident insurance policy before it may be sold. There are at present 12 companies,¹ all of which are respondents in this proceeding, for which such policy forms have been approved. With immaterial variations, the standard level of benefits provided by such policies is \$7,500 for each 25 cents in premium.

The proceeding was commenced on November 20, 1969 by service on each of the companies of a notice of hearing. The notice alleged, in substance, that benefits provided under air trip-ticket accident insurance pol-

icies amounted to only 25 cents out of every dollar in premium, that the minimum reasonable benefit level was 40 cents out of every dollar of premium, and that, accordingly, approval of the policy forms should be withdrawn under Section 141 of the Insurance Law. The hearing was held on December 10 and 12, 1969. The parties were given until January 16, 1970 to file briefs, and until January 23, 1970 to file reply briefs.

Initially, a word is appropriate about the companies' arguments that reversible errors were committed by the Department or by me as hearing officer in the calling and conducting of the hearing. The errors complained about mainly stem from or are related to the joinder of the respondents. The discretion lodged in the courts to order a joint trial or consolidation of actions to expedite justice is possessed by administrative agencies. In addition, Insurance Law Section 23 provides in part:

"Nothing herein contained shall require the observance at any such hearing of formal rules of pleading or evidence."

The consolidation was justified by the saving of time and expense and because the policies of all the companies are virtually identical, are marketed in a similar fashion, are designed to cover the same kind of accident event and involve identical premium rates. None of the companies was prejudiced in any way by the consolidation.

II. DISCUSSION

Section 141 of the Insurance Law allows the Insurance Department to withdraw approval of policy forms previously approved "if the benefits provided therein are unreasonable in relation to the premium charged." The relationship between benefits and premiums is the "loss ratio"—the percentage of premiums paid back to consumers as benefits. A determination under Section 141 requires, therefore (1) a determination as to what loss ratio may be expected over the immediate future, and (2) a determination whether or not such a loss ratio is "reasonable".

1. Probable loss ratio at present rates

It is of the essence of insurance of all kinds that the insurer cannot tell beforehand whether a particular policyholder will suffer a loss covered by the policy. Were it otherwise—were there no "risk" or uncertainty involved—the insurance transaction would be pointless.

But, while the possibility of loss for each individual policyholder is unpredictable, the number and extent of losses among groups of policyholders becomes more and more predictable as the total number of policyholders increases. Human judgment applied to past experience can give quite reliable predictions as to the statistical likelihood of loss in the mass—predictions which are reliable enough to induce insurance companies to place their capital at risk and to enable them to price and sell their product, and predictions which are reliable enough to enable insurance regulators to impose restrictions and limitations when they are necessary.

Obviously, the more policyholders considered, the more reliable becomes the prediction as to what percentage of them will suffer losses. A prediction as to the percentage of drivers with similar characteristics who will be involved in auto accidents next year in the United States may have greater reliability than such a prediction as to New York State, New York City, Queens or Jamaica. But while a prediction as to nationwide losses may be more reliable (in a relative sense) than a prediction as to local losses, a prediction as to local losses will be more relevant when the question is how much a local driver should pay for his insurance. All of insurance rate-making involves a tension between the need for broad generalization and greater reliability, on the one hand, and the need

¹Footnotes at end of article.

for specific differentiations and greater relevance on the other.

All of this is by way of elementary background, but it is appropriate and necessary, in light of much of the disputation which occurred at the hearing, to keep these elementary principles clearly in mind.

In this proceeding, the first issue, stated most specifically, is what portion of the air trip-ticket premium dollar is likely to be paid out in benefits, by each of the companies involved, on air trip-ticket insurance sold in New York State in the immediate future. In support of its assertion that this probable loss ratio for each of the companies would approximate 25%, the Department introduced evidence concerning the combined experience, on a nationwide (not New York State) basis, for three companies or groups representing 95% of the nationwide business (not the separate experience for each company), for the years 1961² through 1968. These figures, which were originally supplied to the Department by the three insurers and which are not disputed (or at least were not rebutted) are as follows:

Year	Premium volume	Loss ratio (percent)
1961	\$13,081,285	40.53
1962	13,862,137	62.62
1963	13,819,600	24.35
1964	14,409,517	21.79
1965	15,585,033	12.83
1966	15,688,097	24.05
1967	15,211,825	20.78
1968	15,780,823	5.17
Total	117,439,000	25.73

¹ 8 year average loss ratio.

The eight year average loss ratio is 25.73%, and the three year loss ratios are as follows:

Years:	[Loss ratio]	Percent
1961-63		42.55
1962-64		36.05
1963-65		19.38
1964-66		19.48
1965-67		19.22
1966-68		16.60

On the basis of these figures, the Department's expert actuary gave his opinion that a loss ratio of 25.7% was a reliable prediction for each of the companies on New York State business in the immediately foreseeable future. Against this conclusion, a number of arguments—some developed in the testimony and others not—should be stated and evaluated.

The first argument is to the effect that data on past experience may not be reliable as a guide to the future. It is possible, for example, that the experience is simply insufficient to permit any projections—such as the auto accident experience of only a handful of drivers selected at random would be scant guide to the future. Actuaries seek what they refer to as "credibility"—the selection of such a large number of past insured risks encompassing such a large number of past paid losses that the chance extremes will not materially affect the average result.

Credibility is not, of course, an absolute, and the question is always how much weight to give past data, not whether either to give it conclusive weight or to ignore it. Actuarial testimony at the hearing was conflicting as to how "credible" are the data used by the Department. While I find that the data for any one company or for any single year are not reliable as to predicting future occurrences, I also find that the eight year combined average of the three companies or groups writing 95% of the national market is acceptable as a reliable indication of what the future will probably hold. It is noted that the eight year figures and the successive three year averages show a clear downward trend in the loss ratios. By using the

eight year average (25.73%), rather than that of the most recent period (5.17%) or a figure based on the eight year trend, the probable loss ratio is substantially higher, and thus in the companies' favor, than would otherwise result.

While I find the data on past experience reasonably credible or reliable from a statistical point of view, it is possible that conditions may have so changed that past experience will not be relevant to the future. The companies advanced such a contention—that the advent of the jumbo jets will drastically change the underlying risk factors. No persuasive evidence was presented in support of this possibility, however, and I discount it. In fact, the companies' own expert witness stated that the jumbo jets should prove to be the safest aircraft yet.³ Moreover, a Department witness recalled that companies had advanced similar contentions when other aviation developments occurred, but that the experience on those prior occasions never reflected the dire forebodings and, in fact, the long-term experience has been constantly improving.

Another argument of respondents is to the effect that the data used, however reliable they may be as to nationwide, all-industry experience, are of no relevance to this proceeding—which concerns New York State business of each of the separate companies. As to the use of nationwide experience versus New York experience, no arguments were presented which would indicate that people purchasing air trip insurance in New York State had any different loss potential than people purchasing it elsewhere. Respondent Mutual of Omaha introduced an exhibit purportedly showing its New York air trip income and losses paid, but all losses paid to residents of New York regardless of where the policies were sold were included on the loss side, while the income figures were restricted to income from policies sold in New York. In view of the proximity of Newark Airport and other out of state airports to New York City and other New York State metropolitan areas, the purported "loss ratio" derived from the data is of no value. There was neither identifying testimony nor cross-examination concerning these data, and, in any event, the New York data are necessarily far less credible than nationwide data (See Transcript, pp. 259-260). In the absence of credible New York experience and of any reasons why New York experience should be expected to differ from nationwide experience, the nationwide experience provides the more reliable base for the purpose of this proceeding.

A number of respondents insisted that the experience of other companies had no relevance to them, and that they should be judged only on their own experience. This contention, however, is directly contrary to all the general rules for predicting an insurance company's future loss costs. When the policy forms provide substantially similar kinds of benefits (as is the case here), and when there are no identifiable differences in the circumstances under which and to whom the insurance is sold (no such differences have been presented), the most reliable indicator of one company's future loss costs is the broadest possible base of experience—the experience of all companies. Thus, in the present case, the experience of each individual company is a worse guide to its probable future experience than is the combined experience of all companies.

For all these reasons, therefore, I find that the eight-year, nationwide, combined experience of three insurers writing 95% of the national market, as introduced by the Department, is a reliable and, if anything, conservative index to the probable future loss ratios of each of the respondents upon the policies at issue in this proceeding. For the purpose of determining the reasonable-

ness of benefits in relation to premiums, a probable loss ratio in the vicinity of 25% has been established.

2. Reasonableness of loss ratio

The statutory requirement that the Insurance Department pass upon the "reasonableness" of loss ratios is not limited to air trip-ticket accident insurance, but applies to most other kinds of accident and health insurance as well. The statutory standard thus has a lengthy history and is familiar to insurance regulators and people in the insurance business. While the statute has seldom been applied or analyzed in depth in either judicial or administrative opinions, it was construed and sustained against constitutional challenge by the New York Court of Appeals in *In the Matter of Old Republic Life Insurance Company et al. v. Wikler*, 9 New York 2d 524 (1961).

(a) Administrative Practice

The statute is administered in daily practice through the application of a series of "benchmark" loss ratios applicable to particular kinds of policies. These benchmarks are not established by formal rules or regulations, and may be modified in particular cases as circumstances require.

In the present case, the Department sought to satisfy at least part of its burden with respect to the reasonableness of the 25% loss ratio by showing that the administrative benchmark loss ratio applicable to air trip-ticket accident insurance was 40%.

The facts in this respect begin with a resolution adopted in 1953 by the National Association of Insurance Commissioners (NAIC) to the effect that an appropriate benchmark loss ratio for policies providing benefits for accidents occurring during an airplane trip was 25% when the premium was less than \$10. Resolutions of the NAIC do not have the force of law, but do indicate the sentiment among the nation's insurance regulators on particular issues at particular times. This resolution was followed, in effect, by the New York Insurance Department during the 1950's.

In 1961, however, as a result of a series of conferences between the Department and affected parties, the Department raised the air trip benchmark loss ratio to 40%, and insurers adjusted premiums to conform to the benchmark. This was accomplished by securing voluntary compliance of the insurers, so that a formal hearing was not necessary and was not held.

Subsequently, and down to the present time, the air trip benchmark continued to be 40% and all of the policies here at issue were approved on that basis. In 1967, the Travelers Insurance Company submitted an air trip policy form and stated in connection with the application for approval that the expected loss ratio was 30%. At that time, the loss statistics for recent years were under review and the Department provisionally approved the Travelers' form in January, 1968, in the belief that the insurer should be permitted to use its form, which is substantially identical to that of other insurers, pending a Departmental determination which would apply equally to all insurers. Travelers agreed to adjust its policy in the future consistent with any future determinations concerning air trip insurance by the Department.

It is clear that the Department has since 1961 utilized a 40% benchmark for air trip-ticket accident insurance and that the benchmark was known to, or at least knowable by, the writers of this kind of insurance. However, while this administrative policy may be entitled to some weight, the question of the standard will be considered on the merits for the purposes of this proceeding.

What, then, is a "reasonable" loss ratio for air trip-ticket accident insurance? How does one go about determining the reasonableness of loss ratios? What are the purposes to be accomplished by such a regulatory endeavor? There are, it seems, three separate purposes

Footnotes at end of article.

which can be discerned in loss ratio regulation, leading to three separate sets of considerations in determining the reasonableness of loss ratios.

(b) Avoiding excessive profits

The first consideration is the avoidance of excessive profits. This is a central purpose of any kind of rate regulation, and is particularly important in property-liability rate regulation under Articles VII-A and VIII of the Insurance Law. Under those articles, both loss ratios and expense ratios are ascertained, and rates are adjusted so that the amount left over, the profit, is not unreasonable. Under Section 141, however, neither expenses nor profits are explicitly mentioned and the statute is not, in fact, accounting either to its terminology or to its history, a "rate regulation" statute. But that does not mean that excessive profits are to be condoned. While the test is not the mathematical and relatively precise test of property-liability rate regulation, where profits are measured down to the last decimal, whether or not a loss ratio is "reasonable" depends in part upon whether or not such a loss ratio produces unreasonable profits.

Insurance profits, in the first instance, are "underwriting profits," the difference between premiums taken in and losses and expenses paid out. Actually, however, underwriting profits are only part of the story. The insurer also has the use of its policyholders' money for a time, since it collects premiums before it pays losses (though not expenses), and thus the insurer also earns investment income. In air trip insurance, investment income is relatively small, since such a large portion of the premium goes to pay commissions and other expenses, and since the policy is a short term policy (unlike fire insurance, for example) and losses are quickly ascertained and paid (unlike automobile liability insurance, for example).

Underwriting profits and investment income, which are the total return from the insurance business, must be measured against the amount of capital which must be placed at risk. The more risky the business, the more capital (relatively) must be invested in it, and the greater, consequently, should be the allowable return.

In order to reduce the amount of their capital at risk, insurers sometimes purchase "reinsurance"—an agreement by other insurers to pay, for example, all losses over a certain figure, or all losses arising out of one occurrence or a percentage of all losses. The riskier the primary business, the more expensive is the reinsurance. Reinsurance rates are largely unregulated, being a matter of contract between insurance companies. The result is that, in regulating primary insurance rates, the costs of reinsurance are not directly considered. The amount of risk is a factor properly considered in determining the appropriate level of underwriting profit, but how successfully one insurer has put the risk off on some other insurer is not of primary concern to the regulator. Thus, evidence and discussion in the record concerning the costs of reinsurance are of interest and have been considered only insofar as they relate to the degree of risk in the business.

In the present case, no testimony was offered affording precise measurement of either the probable underwriting profit on an historical basis or the appropriate level of underwriting profit in light of investment income and degree of risk. The evidence does indicate that airport rentals approximate 25% of premiums, as do selling costs, so that the two together comprise 50%. This leaves another 50% out of which must come losses, taxes, general overhead expenses and profits. The historical amount of taxes and general overhead expenses is not precisely indicated by the evidence, but such indications as there are in the evidence, together with general knowledge of the insurance business, would indicate—assuming 50% of premiums

are used up in selling costs—that a 25% loss ratio would leave an extremely large underwriting profit, even when measured by the investment income and risk in the air trip business. It cannot, however, be determined from the available evidence that a 40% benchmark loss ratio is justified solely on the ground of avoiding excessive profits.

(c) Avoiding Excessive Expenses

Another purpose of loss ratio regulation is to guard against excessive and unnecessary expenses. In rate regulation under Articles VII-A and VIII of the Insurance Law the regulator is concerned with measuring the size of expenses so as to enable a determination that the rate will not leave excessive profits. Under Section 141, it is the total insurance product that is measured—the relationship between premiums and benefits—and it is not merely the size of expenses, but also their necessity and quality, that must be measured.

This point is best illustrated by reference to the situation in which loss ratio regulation is today most widely used—the regulation of credit life insurance. Credit life insurance is insurance which pays off a borrower's debt to the lender in the event of the borrower's death. Such insurance is commonly sold by the lender as a part of the credit transaction. As a practical matter, because the premium is so low in dollar terms and because the insurance is a fringe aspect of the credit transaction, the borrower is not in a position to make an informed choice as to whether and from whom to buy the insurance. He will most often simply accept the policy offered by the lender. Since the lender will be compensated by the insurer, through commissions or otherwise, the lender's interest in selecting the insurer is often to find the insurer with the highest price—with the price which will leave the most money left over (after paying losses) and available to the lender for his compensation. Insurers "compete" with each other to see who can offer the highest price and, consequently, highest commissions. Rates go up and up, but the insurer's profits never become exorbitant because it is the lender who will absorb the vast bulk of the premiums not necessary for losses. Regulation of the insurer's rates without questioning the propriety of past expenses is not particularly helpful, because the insurer can generally show that its costs—losses plus expenses—do not leave room for excessive profits.

Rate regulation based on benchmark loss ratios has afforded one means of putting limits on this reverse competition phenomenon. A maximum rate can be derived from a "benchmark" loss ratio, under Section 141 and the cognate sections of the Insurance Law, so that premiums cannot be increased to pay the excessive commissions which the lender's monopoly position could otherwise command. The lender and the insurer can continue to bargain over the lender's compensation, but they are required to do so within the limits of their constant share of the premium dollar, and not at the expense of the borrower.

In air trip insurance, the airport at which the insurance is sold is in a position analogous to that of the lender in credit life insurance. The airport will give out its insurance franchise to the highest bidder, and if the insurers are able to pass the franchise costs along to consumers without any limit, their bids will drive airport rentals and insurance premiums ever higher. The insurance consumer will never be offered the choice to buy insurance from a low-bidding, low-premium insurer, because that insurer will not be allowed to sell in the airport. Insurance "rate" regulation, if the size of expenses is to be accepted as a given, cannot cope with this problem; loss ratio regulation, such as under Section 141, can.

Under Section 141, the necessity and quality of various expenses must be consid-

ered, because a loss ratio would necessarily be unreasonably low if expenses and the expense ratio were unreasonably high. In the case of air trip insurance, concern over the level of airport rentals is not simply a theoretical one, but a concern that has a long historical background. (See NAIC Proceedings, 1960 Vol. II, introduced as Department's Exhibit 9, and the May 25, 1964 Speech by Joseph F. Murphy, introduced as Department's Exhibit 10.) A loss ratio of 25% would leave far too much money to be absorbed in rental fees by airports and far too little for insurance consumers. A loss ratio of 40% is calculated to put a meaningful restraint on airport rentals and return relatively more money to the insurance consumers.

(d) Avoiding inefficient insurance

A third set of considerations which is relevant to the reasonableness of a given loss ratio—in addition to avoiding excessive profits and limiting excessive expenses—is the "efficiency" of the insurance in question. It may be that—even if profits are not unreasonable and even if the expenses are justifiable—a particular kind of insurance is grossly inefficient when measured against other ways by which people could purchase substantially equivalent or better benefits. In the present case, the benefits provided by air trip insurance are primarily a combination of death benefits and medical cost benefits. Insurance providing death benefits or medical cost benefits is often highly efficient. Social Security has a loss ratio of approximately 97% of payments, while the comparable figures for Blue Cross are approximately 90% and for health and accident plans 80%. Group term life insurance sold through the place of employment can, for large groups, have a loss ratio as high as 90% of premiums.

Thus, air trip insurance, with a 25% loss ratio, would cost the consumer three times more than if substantially similar benefits were purchased in other ways. Such a loss ratio must be considered unreasonable.

III. CONCLUSION

Accordingly, whether measured by (1) the administrative benchmark previously established by the Insurance Department, (2) the avoidance of excessive profits, (3) the avoidance of exorbitant and unnecessary expenses, or (4) alternative means by which consumers would obtain the same sort of benefits, air trip-ticket accident insurance policies which are likely to return as benefits only 25 cents out of each premium dollar are policies which provide benefits which are unreasonable in relation to the premium charged.

It is ordered that the air trip-ticket accident insurance policies previously approved by this Department be withdrawn on September 1, 1970, in accordance with Insurance Law Section 141. The statute requires that withdrawal of approval is effective only after a period of 90 days after the Superintendent gives notice of withdrawal. By setting September 1 as the withdrawal date, this 90 day notice requirement is met and somewhat exceeded. New filings for air trip-ticket accident insurance policies based on a loss ratio of 40% or higher will be approved.

Dated: New York, N.Y., May 7, 1970.

MALCOLM MACKAY,

Deputy Superintendent of Insurance.

Richard E. Stewart, Superintendent of Insurance, pursuant to the authority vested in him under the Insurance Law, hereby approves and adopts the determination hereinabove made.

Dated: New York, N.Y., May 6, 1970.

RICHARD E. STEWART,

Superintendent of Insurance.

FOOTNOTES

¹ Aetna Life Insurance Company, Bankers Multiple Line Insurance Company, Beneficial National Life Insurance Company, Benefit Trust Life Insurance Company, Commercial

Insurance Company of Newark, New Jersey, Companion Life Insurance Company, Continental Casualty Company, Federal Life and Casualty Company, Fidelity and Casualty Company, Guardian Life Insurance Company of America, Mutual of Omaha Insurance Company, and Travelers Insurance Company (hereafter referred to as the "companies"). Not all respondents are actively engaged in selling air trip insurance to the public in New York State; in fact, the evidence indicates that only two companies are so active at the present time.

1961 is the first year the Department used the 40% loss ratio "benchmark", a term which is explained below.

This expert witness, Major General Joseph D. Caldara, did state that there has always been a "learning curve" when new types of aircraft are introduced—a period when accidents are more apt to occur due to human inexperience in handling the aircraft. General Caldara, when asked to describe the learning curve for jumbo jets, answered: "In my opinion the 747 is the safest aircraft designed and built to date from an operating standpoint. In my opinion, the air carriers who have been training their crews for the operation of this, have increased their training and improved their training for it. With this as a background, it would be my hope that we would operate the 747 perhaps indefinitely without a crash, but I have to live in the area of the man machine loop wherein the individual captain may be trained perfectly and the airplane, the 747, may perform perfectly, but a minor mistake of some one individual in the whole loop can compromise the safety of both, the training and equipment, which it has done in the past." (Transcript, p. 183)

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. ALLEN). Two hours having expired since the convening of the Senate today, the Chair lays before the Senate the unfinished business, which will be stated.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. What is the will of the Senate?

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

The PRESIDING OFFICER. The clerk will please call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

GET OUT OF VIETNAM NOW

Mr. CRANSTON. Mr. President, the Los Angeles Times, one of the great newspapers of our country, announced an important new editorial position Sunday when, for the first time, it called upon President Nixon to reveal his private schedule for American military withdrawal from Southeast Asia, and to publicly set a deadline for removing not only the remaining combat troops, but all American forces, combat and support, according to a swift and orderly schedule.

Mr. President, I ask unanimous con-

sent that the June 7, 1970, editorial of the Los Angeles Times entitled "Get Out of Vietnam Now," be printed at this place in the RECORD.

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

GET OUT OF VIETNAM NOW

The time has come for the United States to leave Vietnam, to leave it swiftly, wholly, and without equivocation.

The President still has in his hands the opportunity to effect such an exit. He should seize the chance now as it presents itself, for it may not come so readily again.

That the war must be ended, all are agreed. That, as the President said last week, "peace is the goal that unites us," all are also agreed.

Long ago, when we began to help the anti-Communist Vietnamese against the Communist Vietnamese, it seemed a worthwhile thing to do. It seemed cheap, first in dollars, then in men. No need now to trace the melancholy history of how, bit by bit, decision by decision, it became extravagantly expensive of money, of human lives, of the tranquillity of this country, of our reputation abroad.

The President said recently he would not have this nation become a "pitiful helpless giant" in the eyes of the world. We are not entirely pitiful, and not yet helpless. But we are like a giant lunging about with one foot in a trap, a spectacle that is disconcerting to our friends and comforting to our enemies.

NOT THE CENTER RING

Our great adversary is now, and will remain, the Soviet Union.

All questions of American foreign policy are subordinate to the central one, which is to prevent nuclear war between the two super-powers. We shall be engaged against the Communist world one way or another all our lives; but in Southeast Asia we are engaged on the periphery of that world in a battle obscured by the elements of civil war and Vietnamese nationalism.

Our response ought to be commensurate with the challenge: as it was over Berlin, in the Cuban missile crisis, as it may yet have to be in the Middle East. But we have so overresponded in Indochina that it may be harder for us to respond as we ought should a greater and more direct challenge arise.

No need now either to delineate at length the consequences in our own country of the Indochina war:

The war is not the sole cause of strife between parents and children, yet it has inflamed that strife.

The war is not the cause of conflict between the races, but it has made that conflict more bitter.

The war is not the only reason for our present economic distress, but it has rendered that distress harder to treat.

The war alone did not create the illness afflicting our public and private institutions, but it has brought that illness to the crisis point.

Like a small wound the war has festered until its infection has appeared in every organ of this Republic. Its ache is felt in every limb; its pain clouds the national judgment. The country is losing heart.

"Peace," therefore, "is the goal that unites us."

As the President said, our national debate is not about the goal of peace, but about "the best means" to achieve it.

JOB CAN BE BETTER DONE

The President has better means at hand than he is using.

He has promised a withdrawal of American combat troops—another 150,000 by next May 1—but the withdrawal in these summer months has been reduced and after the 150,000 leave there will still be 184,000 troops left in Vietnam. If Mr. Nixon has a private

schedule for their withdrawal he has not revealed it.

He has declared that his goal is the total withdrawal of all Americans from Vietnam, but by making open-ended threats of counter-action should the enemy attack, he has made it necessary to make good on those threats. Thus he has given to the enemy a large measure of decision over our own rate of withdrawal.

By the President's move into Cambodia, and by his encouragement of the Vietnamese and Thai operations there after we leave, he has entwined American prestige with the fate of that unhappy but unimportant little country.

In declaring that the credibility of American promises elsewhere in the world hangs on our achieving "a just peace" in Vietnam, he is making it harder for us to make with credibility those compromises which everyone, including the Administration, believes will eventually have to be made.

The President, in sum, is pursuing, for reasons which of course he deems excellent, an ambiguous and contradictory policy—a policy of which the stated purpose is to leave Indochina, but in which it is implied that it may be necessary to stay in Indochina.

The Times believes the United States has discharged all the responsibilities it has in Vietnam. The Times believes this nation has—bravely and honorably—done everything, and more, that could reasonably have been expected of it.

American men prevented Communist forces from precipitantly seizing South Vietnam. American men, at an enormous cost in lives, have secured for the South Vietnamese a reasonable length of time for improvement of their army and consolidation of their country and government. Short of permanent occupation, there is no more America can reasonably be expected to do for Vietnam.

The President said last week that the Cambodian venture "eliminated an immediate danger to the security of the remaining American troops" and "won precious time" for the South Vietnamese army.

This, then, is the opportunity for the President to accelerate the withdrawal.

THE TIME IS NOW

Let him now publicly set a deadline for removing not only the remaining combat troops but all American forces, combat and support, according to a swift and orderly schedule. Let him begin to hasten the removal of combat troops this summer. It ought to be possible to bring about a total and orderly withdrawal in the next year and a half at the longest.

Such a program of withdrawal would of course be hazardous. But it would be much less hazardous than the policy the President is presently pursuing.

The South Vietnamese would be firmly on notice that their future is where it belongs—in their hands. The United States could continue to support them with arms and money, should they choose to keep on seeking a military solution; more likely they would feel impelled to put their own political house in order pending that day when they will come to the political compromise that is the inevitable outcome in Indochina.

American troops would be in some danger, but they are certainly in some danger now, and the faster they leave, the sooner they will be in no danger at all.

IMMEDIATE DEPARTURE

We shall not argue, as some do, that rapid American withdrawal would induce the North Vietnamese to negotiate; but it is certain they are not inclined to negotiate now. On the contrary, the longer we stay in Vietnam the more inclined the North Vietnamese will be not to negotiate, and the readier they may be to mount attacks on our forces in hope of pushing us out.

Let the President, therefore, remove all foreign and domestic doubts about our in-

tentions by announcing a speedy departure from Vietnam.

The President said last week he was determined to end the war in a way that would "promote peace rather than conflict throughout the world . . . and bring an era of reconciliation to our people—and not a period of furious recrimination."

The Times believes that the program of withdrawal we suggest would bring about the kind of peace Mr. Nixon spoke of. The policy suggested here would hasten the end of one war and put the United States on a better footing to prevent other more dangerous conflicts.

The policy suggested here would certainly be met with recrimination from some in this country. But we firmly believe that this policy would be thankfully approved by the majority of our people as an honorable conclusion to this terrible long war.

NEED FOR PUBLICLY ANNOUNCED FIXED TIMETABLE FOR WITHDRAWAL OF ALL AMERICAN TROOPS FROM SOUTH VIETNAM

Mr. CRANSTON. Mr. President, for months I, along with other Members of the Congress, have urged the President to announce publicly a fixed timetable for the withdrawal of all American troops from South Vietnam.

We have urged that it be a timetable determined solely by the safety of our men and subject neither to the inflexibility of Hanoi nor the convenience of Saigon. The South Vietnamese government, in its own self-interest, clearly has no desire to speed an American departure that would leave it to do all the fighting itself.

The President has never declared openly that he has a timetable for withdrawing all of our men—ground, air, and naval. But he frequently hints at the existence of an overall administration timetable and has talked of a timetable for removing some of our ground forces, specifically, those he calls "ground combat" troops.

Neither the Congress nor the country knows what the President's timetable is; it is a private timetable that he has never made public. But even while he refuses to reveal his timetable, the President from time to time suggests that he is meeting it, and is even a bit ahead of schedule.

This strange state of affairs is like a railroad refusing to publish a timetable, and then announcing that all its trains are running on time.

Critics, and they include the President, have claimed it would be disastrous to announce a withdrawal timetable publicly. They say it would remove any incentive for the enemy to negotiate, that it would tip our military hand and endanger our war aims and our men.

But an odd thing has happened in recent weeks: the President has himself taken to publicly announcing timetables, though in a circumscribed way.

First he announced on April 20 that he would withdraw 150,000 additional men from South Vietnam within a year. Then, following his decision to invade Cambodia, he announced he would have all men out of there by June 30.

The pending business in the Senate is the Cooper-Church amendment, which

relates to that timetable announced for Cambodia. It relates also to the feeling of many in this body, and in the other body of Congress, that responsibility for ending wars as well as beginning them, responsibility for determining timetables for orderly termination of wars in which in which we become involved, and responsibility for the power of the purse in connection with our Armed Forces, can, and indeed must be exercised by this body to fulfill its constitutional duties.

If the President now finds it proper to announce a fixed timetable for Cambodia, how can he any longer justify not announcing one for Vietnam? And if he can announce a limited timetable for some of our men in Vietnam, how can he any longer justify not announcing a total timetable for all?

Just such a fixed, total timetable is set by the amendment to end the war, which I have cosponsored with Senators MCGOVERN, HATFIELD, GOODELL, and HUGHES, just such a fixed timetable, which the President himself set, is the subject of the pending matter—the Cooper-Church amendment dealing with the American incursion in Cambodia. The amendment to end the war would bring about the withdrawal of all our men from Indochina by June 30, 1971, safely and systematically, as the Cooper-Church amendment would withdraw all American troops from Cambodia, in accordance with the President's schedule, by July 1 of this year.

Passage of the amendment would prove to the North Vietnamese that we are in earnest about withdrawing from the war, completely and soon—not piecemeal and over an indefinite and dangerous period of time, as is our present policy. Such unequivocal assurance would, I believe, do much toward getting the Paris talks back on more productive tracks.

The amendment would also put the Thieu-Ky government on notice that we do not intend to go on fighting and dying in their cause forever, that they have a definite deadline by which they either must work to bring about a negotiated peace or, if they want to keep on fighting, shape up and fight without us.

If the President does indeed have a timetable for total military withdrawal from Southeast Asia, let him make it public. If his timetable agrees with ours, fine. If it differs, then there can be full and healthy public debate over the difference and full and healthy congressional participation in, and shared responsibility for, the final decision.

If the President continues to refuse to make public his timetable, he leaves open the inference that he really does not have one. By his own acts, he has conceded that national security cannot be used as an excuse for secrecy in the matter of a timetable.

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

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

PRESIDENTIAL USE OF THE MILITARY FORCE

Mr. ALLOTT. Mr. President, I continue to receive numerous significant communications from scholars concerned about the current debate over the President's powers as Commander in Chief. I am anxious to share these communications with all concerned Senators.

Today it gives me special pleasure to call to the Senate's attention an illuminating letter I have received from Prof. Joseph E. Kallenbach of the University of Michigan.

Professor Kallenbach is a member of the department of political science at that university, and is a widely respected authority on the Presidency. He has published numerous articles in scholarly journals. His books include "The American Chief Executive"—Harper & Row, 1966.

I would especially call attention to two pertinent sections of that distinguished book. The first deals with "Presidential Use of Military Force" and is in the chapter covering pages 512-518. The second section is on "The President, Congress and the 'War Power'" and is in the chapter covering pages 533-540.

In his letter to me, Professor Kallenbach gives useful insight into the background of the Founding Fathers' understanding of the war power. He says:

The current debate in the Senate on the so-called Church-Cooper Amendment, which would invoke the fiscal powers of Congress, in effect, to order the withdrawal of American troops from Cambodia by June 30 and prohibit their redeployment there without the specific approval of Congress, raises a question of utmost concern to the people of this nation as well as to American military personnel engaged in combat in Southeast Asia. Legislation of this character, if passed, would amount to an undisguised vote of lack of confidence in the President's personal integrity, good faith and judgment in the discharge of his constitutional duties as Chief Executive and Commander-in-Chief. More than that, if enacted into law in its undiluted original form, it would constitute in a most fundamental sense a challenge to the soundness of our constitutional arrangements regarding the proper division of functions between the President and Congress with respect to control over military operations in a zone of combat.

These arrangements have stood the nation in good stead for nearly two centuries. To unbalance them with a legislative *démarche* of the sort proposed would, in my opinion, be setting a precedent of gravest consequence. It is not only the security of the American forces now in process of being disengaged from combat in the Southeastern Asia area but the future security of the nation itself that is threatened.

With the experience of the Revolutionary War behind them, the Framers of the Constitution were fully aware of the dangers and frustrations involved in divided authority in the direction of military operations, once the stage of combat conditions has been reached. For this reason they reached the conclusion, with a complete absence of dissent, that the Commander-in-chief role should be assigned to the President, by constitutional mandate. With this clause they placed in his hands the ultimate responsibility for direction and deploying American troops in the field. This provision was characterized by Hamilton in the Federalist Paper (No. 74) as one "the propriety of [which] is so evident in itself" that he felt "little need to be said to explain or enforce it."

The assignment to Congress of authority through the Constitution to raise and support armies, to provide for and maintain a navy, to declare war, and to appropriate funds in pursuance of these purposes reserves to it powers of a very fundamental nature also, so far as the national military establishment is concerned. These are powers which, in conjunction with the grant of authority, in Article I, Section 8 of the Constitution to pass laws necessary and proper to implement these and other powers vested in Congress or in other branches of the national government, equip the Congress with a vast reservoir of constitutional authority to legislate in the area of national security where military concerns are involved. But surely the Commander-in-Chief clause must stand in some degree as a constraint upon Congressional power in this connection where field operations of American military forces are concerned.

Professor Kallenbach is especially persuasive in applying his understanding of the Presidency to the realities of the current policy of disengagement in Vietnam.

The constitutional issue of where the line should be drawn between the authority of Congress to shape American military defense policy, on the one hand, and of the President to direct military operations in an actual theatre of military operations on the other, is not one that can or should be resolved by creating a constitutional crisis, in the fatuous expectation that the issue can be eventually passed upon in a definitive way by the courts through some sort of "test" case. The nation cannot afford the luxury of that method of resolving a difference of opinion between the legislative and executive over the appropriate manner of effectuating American military disengagement in South Vietnam.

The President has committed himself and his administration, so far as words and actions can do so, to a policy of step-by-step disengagement of American combat forces in this area. The sorties by South Vietnamese and American forces into Cambodia have as their clearly stated military tactical purpose the furtherance of that policy. For Congress to seek to write into law a tactical blueprint and time-table for carrying out this, or any other aspect of the widely advertised and nationally accepted overall strategy of military disengagement in Southeast Asia, would only serve to deprive the President, and the U.S. military forces under his command, of an invaluable capacity for maneuver essential in the conduct, with minimum cost in military and political terms, of this military operation.

Any military enterprise under way—particularly one carrying out a clearly defined objective of the sort being pursued by the United States in South Vietnam—must be conducted with a flexibility that can take into account the enemy's own choice of tactics. The hands of our military should not be prevented by legislative decree from responding to those tactics, both military and political, in appropriate fashion. The President should not be undercut by the Congress. He should not, in effect, be denied authority to carry out a significant part of his constitutional responsibilities through adoption of this unwise and dangerously shortsighted legislative proposal.

Mr. President, in order that all Senators may examine the full and complete text of Professor Kallenbach's wisdom, I ask unanimous consent that the entire text of his letter to me, dated May 26, 1970, be printed in the RECORD.

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

THE UNIVERSITY OF MICHIGAN,
DEPARTMENT OF POLITICAL SCIENCE,
Ann Arbor, Mich., May 26, 1970.

Senator GORDON C. ALLOTT,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: The current debate in the Senate on the so-called Church-Cooper Amendment, which would invoke the fiscal powers of Congress, in effect, to order the withdrawal of American troops from Cambodia by June 30 and prohibit their redeployment there without the specific approval of Congress, raises a question of utmost concern to the people of this nation as well as to American military personnel engaged in combat in Southeast Asia. Legislation of this character, if passed, would amount to an undisguised vote of lack of confidence in the President's personal integrity, good faith and judgment in the discharge of his constitutional duties as Chief Executive and Commander-in-Chief. More than that, if enacted into law in its undiluted original form, it would constitute in a most fundamental sense a challenge to the soundness of our constitutional arrangements regarding the proper division of functions between the President and Congress with respect to control over military operations in a zone of combat.

These arrangements have stood the nation in good stead for nearly two centuries. To unbalance them with a legislative *démarche* of the sort proposed would, in my opinion, be setting a precedent of gravest consequence. It is not only the security of the American forces now in process of being disengaged from combat in the Southeastern Asia area but the future security of the nation itself that is threatened.

With the experience of the Revolutionary War behind them, the Framers of the Constitution were fully aware of the dangers and frustrations involved in divided authority in the direction of military operations, once the stage of combat conditions has been reached. For this reason they reached the conclusion, with a complete absence of dissent, that the Commander-in-Chief role should be assigned to the President, by constitutional mandate. With this clause they placed in his hands the ultimate responsibility for directing and deploying American troops in the field. This provision was characterized by Hamilton in the *Federalist Paper* (No. 74) as one "the propriety of [which] is so evident in itself" that he felt "little need be said to explain or enforce it".

The assignment to Congress of authority through the Constitution to raise and support armies, to provide for and maintain a navy, to declare war, and to appropriate funds in pursuance of these purposes reserves to it powers of a very fundamental nature also, so far as the national military establishment is concerned. These are powers which, in conjunction with the grant of authority, in Article I, Section 8 of the Constitution to pass laws necessary and proper to implement these and other powers vested in Congress or in other branches of the national government, equip the Congress with a vast reservoir of constitutional authority to legislate in the area of national security where military concerns are involved. But surely the Commander-in-Chief clause must stand in some degree as a constraint upon Congressional power in this connection where field operations of American military forces are concerned.

On many occasions, and in a variety of ways, the Congress from time to time has pressed upon the President—through statutes, resolutions, and other more or less formal ways of offering advice, support, or reservations—its views regarding the conditions that should govern the mobilization and use of American military might. It is not my purpose to review at length the significant precedents that have been estab-

lished and accommodations reached with regard to achieving a satisfactory, workable balance as between the legislative and executive branches where military affairs and the use of military forces are concerned.

The Church-Cooper Amendment proposes to impose a restraint upon the President's exercise of his constitutional function as Commander-in-Chief that goes far beyond any measure heretofore employed to convert Congressional opinion into national policy in the area of military affairs. By use of the blunderbuss approach of withholding all funds for military operations in a specific combat area under certain conditions, it seeks to assert for Congress an essential element of military command authority vested in the President. If enacted into law, it would signify subordination of the President's constitutional role to a degree entirely at cross purposes with the principle that the resolution of questions of military strategy and tactics affecting American forces actively engaged in combat should rest with the President. If such a use of its fiscal powers by Congress is "constitutional", it would appear to me that there is no authority directly vested in the President by the Constitution that the Congress may not usurp through a similar manipulation of its "power of the purse".

The problem of bringing to bear congressional influence upon the executive in effectuating a policy of military disengagement in Southeast Asia is one that must, perforce, be resolved by accommodation, understanding and trust between the two branches of government. It must be achieved through a process of adjustment of views between the two branches of government, insofar as there are differences of viewpoint. The approach employed by the Amendment's backers is suggestive, rather, of the new "politics of confrontation" of the direct actionist elements in American society. It proposes to create a constitutional confrontation that might well pose for the President the dilemma of a choice between his duty to respect a mandate of Congress and his duty to carry out responsibilities imposed upon him by the Constitution independently of Congress.

The constitutional issue of where the line should be drawn between the authority of Congress to shape American military defense policy, on the one hand, and of the President to direct military operations in an actual theatre of military operations on the other, is not one that can or should be resolved by creating a constitutional crisis, in the fatuous expectation that the issue can be eventually passed upon in a definitive way by the courts through some sort of "test" case. The nation cannot afford the luxury of that method of resolving a difference of opinion between the legislative and executive over the appropriate manner of effectuating American military disengagement in South Vietnam.

The President has committed himself and his administration, so far as words and actions can do so, to a policy of step-by-step disengagement of American combat forces in this area. The sorties by South Vietnamese and American forces into Cambodia have as their clearly stated military tactical purpose the furtherance of that policy. For Congress to seek to write into law a tactical blueprint and time-table for carrying out this, or any other aspect of the widely advertised and nationally accepted overall strategy of military disengagement in Southeast Asia, would only serve to deprive the President, and the U.S. military forces under his command, of an invaluable capacity for maneuver essential in the conduct, with minimum cost in military and political terms, of this military operation.

Any military enterprise under way—particularly one carrying out a clearly defined objective of the sort being pursued by the United States in South Vietnam—must be

conducted with a flexibility that can take into account the enemy's own choice of tactics. The hands of our military should not be prevented by legislative decree from responding to those tactics, both military and political, in appropriate fashion. The President should not be undercut by the Congress. He should not, in effect, be denied authority to carry out a significant part of his constitutional responsibilities through adoption of this unwise and dangerously short-sighted legislative proposal.

Thank you for the opportunity to offer you my views on this important question.

Very sincerely,

JOSEPH E. KALLENBACH,
Professor of Political Science.

Mr. COOPER. Mr. President, will the Senator from Colorado yield?

Mr. ALLOTT. I yield.

Mr. COOPER. Can the Senator tell me who Professor Kallenbach is? Is he in the law school?

Mr. ALLOTT. He is a professor in the Department of Political Science.

Mr. COOPER. I shall read the letter. I was very much interested that he spent a good deal of time not talking about policy, rather than the constitutional question. I shall read the letter to examine his views about the constitutional issue.

Mr. ALLOTT. I hope that the Senator will. I have been astounded during the past week or so at the number of letters that have come to me from various academicians throughout the country. I suppose, from listening to what has occurred on the floor of the Senate, we would presume that all the academicians in the country are strongly on the side of the proposers of the amendment. I have found that not to be true.

Last week, I had four letters printed in the RECORD. During this week and the coming period, I shall be hoping to have all the other letters printed, some of which discuss the constitutional question more than Dr. Kallenbach did. I think he is very clear here, though, and I believe that he speaks to a crucial constitutional question when he states that once military operations are begun, the President is Commander in Chief.

Mr. COOPER. I had occasion to read the Senator's speeches last week and the letters he had printed in the RECORD, I believe one was from Mr. Rostow, former dean of the Yale Law School. I have never held that all of the constitutional authorities in this country agree with the view of the sponsors of the amendment. I know there is very good authority that disagrees. I have stated several times that there is a gray area which makes it difficult to decide exactly who has the authority.

As the Senator knows, the amendment which we have offered does not either question or approve the President's action. His action is accepted. So far, I think it has been successful and I hope that it will be successful.

What we argue is that once American forces are returned to South Vietnam and in the former status quo, then the question arises, and properly, as to what action would be taken in the future about entering into a new war in Cambodia.

The thrust of the amendment, and our judgment on its constitutional authority, is that in case of entering a new war for Cambodia, to which there is no

obligation of any kind, then the President should come to Congress for approval or disapproval.

I believe that the Senator will agree with me that no authority can be found for any obligation on the part of the United States to the country of Cambodia.

Mr. ALLOTT. Mr. President (Mr. CRANSTON), I shall not argue with the Senator about that. I think he is entirely correct. I never understood that we were entering into Cambodia for the purpose of salvaging the country of Cambodia.

Mr. COOPER. I agree.

Mr. ALLOTT. I think the Senator will recall that last year we debated the Senator's amendment and the majority leader's amendment to the defense appropriation bill, and I believe I was also joined as a sponsor of the amendment. I am not certain about that, but I spoke in behalf of it and tried to assist in the debate in defining what we were talking about when we talked about combat troops in Laos and Thailand. Perhaps we will have an opportunity to approach this matter along this line before we are through with this particular debate.

Mr. COOPER. Mr. President, the Senator's comments interest me very much. The position was taken—and I think correctly—by the President, that he initiated the military operation in Cambodia under his authority as Commander in Chief.

The argument is made that Congress cannot limit that authority as Commander in Chief. But I remember that last December the Senate approved an amendment to an amendment which I had offered. That amendment limited the President's authority to introduce ground forces to Laos, a country where there are also sanctuaries.

I recall that the senior Senator from Colorado, the senior Senator from New York, the Senator from Idaho (Mr. CHURCH), and the Senator from Iowa (Mr. MILLER), joined as sponsors of the amendment which precisely and specifically limited the power of the President to send combat troops into Laos.

Mr. ALLOTT. And Thailand also.

Mr. COOPER. The Senator is correct. The amendment seems to me to be a precedent. The President, as I recall, said that it was in conformity with his policy.

Mr. ALLOTT. The Senator is correct.

Mr. COOPER. Mr. President, I see nothing unusual, now, that when the military operation is completed, in the Senate saying by the amendment, "We do not want to become involved in a war in Cambodia."

I do not think the President wants such a war. He said he did not at the meeting at the White House. And I trust him. But there are indications that others would like to see our country become involved.

The South Vietnamese are reportedly remaining in Cambodia. It is reported that the Thais will send volunteers. Of course we will be paying for their costs.

In this morning's newspaper—whether it is correct or not, I do not know—it is said that we intend to give assistance to the Lon Nol government in Cambodia. All of these elements could—and I hope

that they will not—engage us in a new war.

As one who supports the President's policy of Vietnamization, I would like to see such a danger eliminated. I think that Congress has the right to eliminate the danger of becoming involved in a new war in a country to which we owe no obligations of any kind.

Mr. ALLOTT. Mr. President, I said before, and I repeat, people can differ somewhat in their views as to whether the President should have entered Cambodia. To me personally, the answer is clear. I think that the President did what he had a moral obligation to do in order to facilitate the closing down of the war and the withdrawal of our forces. I think that subsequent events have proven his action to be correct.

I say to the Senator—and I know that he has made it very clear again and again that he is not challenging the the President or questioning the statements that he has made with respect to his intentions—that there are people who have done this. I do not think that we should pay too much attention to all of the crackpots in this country who keep repeating that the President is about to engage us in a general Asian land war. They say it either in those terms or with respect to one country or another.

We have seen the situation in which people who are purely of scientific bent quoted in the Senate as experts in the field of international affairs or international law.

It reminds me of a quotation from the village schoolmaster, particularly with respect to one of these men: "It gives you wonder that one small head can contain all that knowledge."

I am surprised at the length and breadth of the extent of the knowledge of some of these people.

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

Mr. ALLOTT. I yield.

Mr. DOMINICK. Mr. President, I was extremely interested not only in the Kallenbach letter that the Senator had printed in the RECORD, but also in the colloquy between the Senator from Colorado and the Senator from Kentucky.

One of the things that has been a constant source of surprise to me is why the sponsors of the pending amendment did not follow the course they chose last year with respect to the limitation on the use of ground combat forces in Laos and Thailand which they included in the bill by a very substantial majority vote in the Senate.

The procedures followed in the pending amendment bear very little relationship to the procedures we went through last year. I find this to be a very grave cause for concern.

Let us suppose that we have some troops that are expected to be withdrawn from South Vietnam at the very time that the Vietcong or the North Vietnamese have regrouped in a sanctuary area and have decided to initiate an attack on us.

It would strike me that at that point an opportunity for pre-emptive strikes from the air would keep us from becoming engaged and would save the lives of our own people. Yet, the President

could not take the necessary action without prior consent of Congress. And that might take a considerable time.

That is one reason why I think this amendment has some very grave defects.

It strikes me that it has some other problems. It would seem that in one of the subparagraphs that it would put the punishment on the very men who have been ordered by their commanders and by the President to conduct a particular operation that is, in fact, an operation in indirect support of the Cambodian Government. The question is whether this is direct or indirect.

This could be a source of danger for a very long time. During that course of time, the men would have their pay cut off. They would not have their GI benefits we have put into the law.

These are some of the questions that involve the constitutional issue that the Senator from Kentucky talks about. But we also have very practical problems involving the safety of American men in Vietnam, whom the President is trying to bring home.

This is what really bothers me about the amendment. I would have no objection if the Senator from Kentucky would say something along the lines of the amendment with respect to Laos and Thailand, that after July 1, 1970, no ground troops may be maintained or put into Cambodia without the prior consent of Congress unless it were necessary for the protection of our own forces in South Vietnam, a responsibility which I think we have given the President. But that is not the route this amendment would take. It is much broader than that. It involves not only the constitutional issue about which the Senator talks; but also the problem of trying to get our men out of Vietnam safely.

I am pleased to hear my colleague present this letter and other letters from academicians around the country. I think it has been very fruitful.

Mr. ALLOTT. I thank my colleague very much.

Mr. COOPER. Mr. President, will the Senator yield so that I may respond?

Mr. ALLOTT. Mr. President, I yield to the Senator from Kentucky.

Mr. COOPER. Mr. President, first, the Senator stated that the amendment now pending before the Senate was different from the amendment which was agreed to by the Senate in December 1969 to the defense appropriations bill. He is correct. However, earlier, in September, I had offered an amendment to the defense authorization bill, similar to the amendment which is before the Senate today but was to prohibit the use of American forces in aid of the governments of Laos or Thailand. It was adopted in the Senate, but was not accepted by the House.

Actually, when the defense appropriation bill came before the Senate the distinguished Senator from Montana (Mr. MANSFIELD) and I offered the same amendment. The measure was amended on the floor to provide only that United States ground force would not be used in Laos or Thailand.

In answer to the constitutional question that has been raised, I point out that at that time the Senate and the House limited the authority of the Pres-

ident as Commander in Chief, and the President agreed that it should be done. Therefore, I do not think our amendment is without precedent.

The Senator raised a point about the pay of our men in the armed services. I say with all due respect that I think the argument is far fetched. I could never conceive of this country, this Government, not paying our Armed Forces.

The Senator raised another question referring to a situation which might arise as our forces and withdrawn from South Vietnam—the question of a sanctuary which would be dangerous to the withdrawal of—forces.

Mr. DOMINICK. Would the Senator yield so I may comment on that point?

Mr. COOPER. Our amendment—subsection (4)—provides that air power can be used—as well as artillery—across the border.

Then, I would go further. If the President made the decision that it was necessary for the immediate safety of our forces during withdrawal to take action under his authority as Commander in Chief, I do not think it would be questioned. But we are talking about a different situation, the possibility that the United States might become involved in a war in Cambodia for Cambodia.

That is clear. That is what our amendment would prohibit, without the approval of the Congress. I think we are on clear constitutional grounds and I think it is a matter of good policy. Its approval would help dispel the uncertainty in the country.

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

Mr. ALLOTT. I yield.

Mr. DOMINICK. Mr. President, I want to point out to my friend from Kentucky, and he is my friend, that the specific wording of the amendment which we are debating provides:

No funds authorized or appropriated pursuant to this act may be expended for the purpose of—

(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any person in Cambodia who * * * (b) engages in any combat activity in support of Cambodian forces.

The question is what is "support of Cambodian forces" indirectly? Any time you kill a Vietcong or North Vietnamese in Cambodia, fighting against the Cambodian Government, the presumption is you have indirectly assisted the Cambodian forces. That is very simple, even though it is being done to protect our forces.

Mr. COOPER. Who would make that decision? The President would make it.

Mr. DOMINICK. Not under this amendment.

Mr. COOPER. I must say frankly that the purpose of the amendment, without any quibbling or reservation, is to do what we can to prevent this country from becoming engaged in another war in Southeast Asia. I make that clear, and the chips can fall where they may. It is my view that we should not become engaged. That is also the view of the other sponsors. I believe it is the view of most people in this country. I support our President in his efforts to get out of Vietnam, and, I believe, the great majority of the people in this country do

not want to get involved in another war in Southeast Asia.

Mr. ALLOTT. Mr. President, I want to say one word in conclusion. There is no doubt that the senior Senator from Kentucky has that for his purpose. No one questions his sincerity. Yet one could, without stretching the reasoning any distance at all, say that the remarks of my colleague are entirely true, too, and it is one of the things that causes all of us so much difficulty.

Perhaps if the people who are knowledgeable in the prosecution of war had been permitted to prosecute it, we would not find ourselves in this lamentable situation today with the country so seriously divided. However, the country is not seriously divided in purpose. I believe that most people want to get out of there, but they are seriously divided about the means of getting out of Vietnam.

Mr. President, I yield the floor.

HOSPITAL AND MEDICAL FACILITIES CONSTRUCTION AND MODERNIZATION AMENDMENTS OF 1970—CONFERENCE REPORT

Mr. YARBOROUGH. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. CRANSTON). The report will be read for the information of the Senate.

The bill clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91-1167)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 11102) to amend the provisions of the Public Health Service Act relating to the construction and modernization of hospitals and other medical facilities by providing separate authorizations of appropriations for new construction and for modernization of facilities, authorizing Federal guarantees of loans for such construction and modernization and Federal payment of part of the interest thereon, authorizing grants for modernization of emergency rooms of general hospitals, and extending and making other improvements in the program authorized by these provisions, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

SHORT TITLE; DEFINITION

SECTION 1. (a) This Act may be cited as the "Medical Facilities Construction and Modernization Amendments of 1970".

(b) As used in the amendments made by this Act, the term "Secretary", unless the context otherwise requires, means the Secretary of Health, Education, and Welfare.

TITLE I—GRANTS FOR CONSTRUCTION AND MODERNIZATION OF HOSPITALS AND OTHER MEDICAL FACILITIES

PART A—EXTENSION OF GRANT PROGRAM AUTHORIZATION OF APPROPRIATIONS FOR CONSTRUCTION GRANTS

SEC. 101. (a) Section 601 of the Public Health Service Act (42 U.S.C. 219a) is amended—

(1) by striking out "next five" in paragraph (a) and inserting in lieu thereof "next eight";

(2) (A) by striking out "\$70,000,000" in subparagraph (1) of paragraph (a) and inserting in lieu thereof "\$85,000,000",

(B) by striking out "\$20,000,000" in subparagraph (2) of such paragraph and inserting in lieu thereof "\$70,000,000", and

(C) by striking out "\$10,000,000" in subparagraph (3) of such paragraph and inserting in lieu thereof "\$15,000,000"; and

(3) by striking out in paragraph (b) "and \$195,000,000 for the fiscal year ending June 30, 1970," and inserting in lieu thereof "\$195,000,000 for the fiscal year ending June 30, 1970, \$147,500,000 for the fiscal year ending June 30, 1971, \$152,500,000 for the fiscal year ending June 30, 1972, and \$157,500,000 for the fiscal year ending June 30, 1973; and".

(b) The amendments made by subsection (a) shall take effect with respect to appropriations made under such section 601 for fiscal years beginning after June 30, 1970.

AUTHORIZATION OF APPROPRIATIONS FOR MODERNIZATION GRANTS

SEC. 102. (a) Effective with respect to appropriations made under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, such section is further amended—

(1) by striking out in paragraph (b) the following: "and for grants for modernization of such facilities and the facilities referred to in paragraph (a)";

(2) by adding after paragraph (b) the following new paragraph:

"(c) for grants for modernization of the facilities referred to in paragraphs (a) and (b), \$65,000,000 for the fiscal year ending June 30, 1971, \$80,000,000 for the fiscal year ending June 30, 1972, and \$90,000,000 for the fiscal year ending June 30, 1973."; and

(3) by inserting "AND MODERNIZATION" after "CONSTRUCTION" in the section heading.

STATE ALLOTMENTS

SEC. 103. (a) Effective with respect to appropriations pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(a) of such Act (42 U.S.C. 291b) is amended to read as follows:

"(a) (1) Each State shall be entitled for each fiscal year to an allotment bearing the same ratio to the sums appropriated for such year pursuant to subparagraphs (1), (2), and (3), respectively, of section 601(a), and to an allotment bearing the same ratio to the sums appropriated for such year pursuant to section 601(b), as the product of—

"(A) the population of such State, and
"(B) the square of its allotment percentage,

bears to the sum of the corresponding products for all of the States.

"(2) For each fiscal year, the Secretary shall, in accordance with regulations, make allotments among the States, from the sums appropriated for such year under section 601(c), on the basis of the population, the financial need, and the extent of the need

for modernization of the facilities referred to in paragraphs (a) and (b) of section 601, of the respective States."

(b) Effective with respect to allotments from such appropriations section 602(b) (1) of such Act is amended by—

(1) striking out "\$25,000" and "\$50,000" in subparagraph (A) and inserting in lieu thereof "\$50,000" and "\$100,000", respectively;

(2) striking out "\$50,000" and "\$100,000" in subparagraph (B) and inserting in lieu thereof "\$100,000" and "\$200,000," respectively;

(3) striking out "\$100,000" and "\$200,000" in subparagraph (C) and inserting in lieu thereof "\$200,000" and "\$300,000", respectively; and

(4) striking out "or" at the end of subparagraph (B), inserting "or" at the end of subparagraph (C), and adding after and below subparagraph (C) the following new subparagraph:

"(D) \$200,000 for the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or Guam and \$300,000 for any other State in the case of an allotment for grants for the modernization of facilities referred to in paragraphs (a) and (b) of section 601."

(c) The Secretary of Health, Education, and Welfare shall conduct a study of the effects of the formula specified in section 602(a) (1) of the Public Health Service Act for allotment among the States of sums appropriated for construction of health facilities, and shall report to the Congress on May 15, 1972, the result of such study, together with recommendations for such changes, if any, in such formula as he may determine to be desirable, together with his justification for any changes so recommended.

TRANSFER OF ALLOTMENTS

SEC. 104. Effective with respect to allotments from appropriations made pursuant to section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970, section 602(e) of the Public Health Service Act is amended to read as follows:

"(e) (1) Upon the request of any State that a specified portion of any allotment of such State under subsection (a) for any fiscal year be added to any other allotment or allotments of such State under such subsection for such year, the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency; except that the aggregate of the portions so transferred from an allotment for a fiscal year pursuant to this paragraph may not exceed the amount specified with respect to such allotment in clause (A), (B), (C), or (D), as the case may be, of subsection (b) (1) which is applicable to such State.

(2) In addition to the transfer of portions of allotments under paragraph (1), upon the request of any State that a specified portion of any allotment of such State under subsection (a), other than an allotment for grants for the construction of public or other nonprofit rehabilitation facilities, be added to another allotment of such State under such subsection, other than an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification to the Secretary by the State agency in such State to the effect that—

"(A) it has afforded a reasonable opportunity to make applications for the portion so specified and there have been no approvable applications for such portion, or

"(B) in the case of a request to transfer a portion of an allotment for grants for the construction of public or other nonprofit hospitals and public health centers, use of such portion as requested by such State agency will better carry out the purposes of this title,

the Secretary shall promptly (but after application of subsection (b)) adjust the allotments of such State in accordance with such request and shall notify the State agency.

"(3) In addition to the transfer of portions of allotments under paragraph (1) or (2), upon the request of any State that a specified portion of an allotment of such State under paragraph (2) of subsection (a) be added to an allotment of such State under paragraph (1) of such subsection for grants for the construction of public or other nonprofit hospitals and public health centers, and upon simultaneous certification by the State agency in such State to the effect that the need for new public or other nonprofit hospitals and public health centers is substantially greater than the need for modernization of facilities referred to in paragraph (a) or (b) of section 601, the Secretary shall promptly (but after application of subsection (b) of this section) adjust the allotments of such State in accordance with such request and shall notify the State agency.

"(4) After adjustment of allotments of any State, as provided in paragraph (1), (2), or (3) of this subsection, the allotments as so adjusted shall be deemed to be the State's allotments under this section."

PART B—OPERATION OF GRANT PROGRAM PRIORITY OF PROJECTS

SEC. 110. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, section 603(a) of such Act (42 U.S.C. 291c) is amended—

(1) by striking out "rural communities and areas with relatively small financial resources" in clause (1), and inserting in lieu thereof "areas with relatively small financial resources and, at the option of the State, rural communities";

(2) by striking out "and" at the end of clause (2), and

(3) by adding after clause (3) the following new clauses:

"(4) in the case of projects for construction or modernization of outpatient facilities, to any outpatient facility that will be located in, and provide services for residents of, an area determined by the Secretary to be a rural or urban poverty area;

"(5) to projects for facilities which, alone or in conjunction with other facilities, will provide comprehensive health care, including outpatient and preventive care as well as hospitalization;

"(6) to facilities which will provide training in health or allied health professions; and

"(7) to facilities which will provide to a significant extent, for the treatment of alcoholism;".

AREAWIDE AND STATE HEALTH PLANNING AGENCIES

SEC. 111. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, clause (4) of the first sentence of section 605(b) of such Act (42 U.S.C. 291e) is amended by striking out "State agency and" and inserting in lieu thereof "State agency, opportunity has been provided, prior to such approval and recommendation, for consideration of the project by the public or nonprofit private agency or organization which has developed the comprehensive regional, metropolitan area, or other local area plan or plans referred to in section 314(b) covering the area in which such project is to be located or, if there is no such agency or organization, by the State agency administering or supervising the administration of the State plan approved under section 314(a), and the application is for a project which".

(b) Section 314(b) of such Act (42 U.S.C. 246) is amended by adding after the first sentence the following new sentence: "No grant may be made under this subsection after June 30, 1970, to any agency or organi-

zation to develop or revise health plans for an area unless the Secretary determines that such agency or organization provides means for appropriate representation of the interests of the hospitals, other health care facilities, and practicing physicians serving such area, and the general public."

PORTION OF ALLOTMENT AVAILABLE FOR STATE PLAN ADMINISTRATION

SEC. 112. Effective with respect to expenditures under a State plan approved under title VI of the Public Health Service Act which are made for administration of such plan during any fiscal year beginning after June 30, 1970—

(1) the first sentence of subsection (c) (1) of section 606 of such Act (42 U.S.C. 291f) is amended (A) by striking out "2 per centum" and inserting in lieu thereof "4 per centum", and (B) by striking out "\$50,000" and inserting in lieu thereof "100,000"; and

(2) paragraph (2) of subsection (c) of such section 606 is amended by striking out "June 30, 1964" and inserting in lieu thereof "June 30, 1970".

FEDERAL SHARE

SEC. 113. Effective with respect to projects approved under title VI of the Public Health Service Act after June 30, 1970, the section of such Act herein redesignated as section 645(b) (42 U.S.C. 291o) is amended to read as follows:

"(b)(1) The term 'Federal share' with respect to any project means the proportion of the cost of such project to be paid by the Federal Government under this title.

"(2) With respect to any project in any State for which a grant is made from an allotment from an appropriation under section 601, the Federal share shall be the amount determined by the State agency designated in accordance with section 604, but not more than 66 $\frac{2}{3}$ per centum or the State's allotment percentage, whichever is the lower, except that, if the State's allotment percentage is lower than 50 per centum, such allotment percentage shall be deemed to be 50 per centum for purposes of this paragraph.

"(3) Prior to the approval of the first project in a State during any fiscal year the State agency designated in accordance with section 604 shall give the Secretary written notification of the maximum Federal share established pursuant to paragraph (2) for projects in such State to be approved by the Secretary during such fiscal year and the method for determining the actual Federal share to be paid with respect to such projects; and such maximum Federal share and such method of determination for projects in such State approved during such fiscal year shall not be changed after such approval.

"(4) Notwithstanding the provisions of paragraphs (2) and (3) of this subsection, the Federal share shall, at the option of the State agency, be equal to the per centum provided under such paragraphs plus an incentive per centum (which when combined with the per centum provided under such paragraphs shall not exceed 90 per centum) specified by the State agency in the case of (A) projects that will provide services primarily for persons in an area determined by the Secretary to be a rural or urban poverty area, and (B) projects that offer potential for reducing health care costs through shared services among health care facilities, through interfacility cooperation, or through the construction or modernization of free-standing outpatient facilities."

DEFINITION OF HOSPITAL

SEC. 114. (a) Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (c) of the section of such Act redesignated (by section 201 of this Act) as section 645 is amended—

(1) by inserting after "nurses' home facilities," the following: "extended care facilities, facilities related to programs for home health services, self-care units,"; and

(2) by inserting a comma immediately before "operated" and inserting immediately before "but does not include" the following: "and also includes education or training facilities for health professions personnel operated as an integral part of a hospital,".

STATE ADVISORY COUNCILS

SEC. 115. Effective July 1, 1970, section 604(a) (3) of the Public Health Service Act (42 U.S.C. 291d) is amended—

(a) by inserting "(A)" after "shall include", and

(b) by inserting after "rehabilitation services, and" the following: "representatives particularly concerned with education or training of health profession personnel, and (B)".

CHANGE IN NAME AND CLARIFICATION OF FUNCTIONS OF DIAGNOSTIC OR TREATMENT CENTER

SEC. 116. (a) Sections 601(a) (2) and 602 (b) (1) (B) of the Public Health Service Act (42 U.S.C. 291a, 291b) are each amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities".

(b) Section 604(a) (4) (C) of such Act (42 U.S.C. 291d) is amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities" and by striking out "such centers" and inserting in lieu thereof "such facilities".

(c) Section 604(a) (5) of such Act (42 U.S.C. 291d) is amended by striking out "diagnostic or treatment centers" and inserting in lieu thereof "outpatient facilities".

(d) Section 609 (b) of such Act (42 U.S.C. 291i) is amended by striking out "diagnostic or treatment center" and inserting in lieu thereof "outpatient facility".

(e) Section 605 (e) of such Act (42 U.S.C. 291e) is amended by—

(1) striking out "a diagnostic or treatment center" and inserting in lieu thereof "an outpatient facility", and

(2) inserting before the period at the end thereof "or which provides reasonable assurance that the services of a general hospital will be available to patients of such facility who are in need of hospital care".

(f) Paragraph (f) of the section of the Public Health Service Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is amended—

(1) by striking out "diagnostic or treatment center" and inserting in lieu thereof "outpatient facility",

(2) by inserting after "means a facility" the following: "(located in or apart from a hospital)",

(3) by inserting after "ambulatory patients" the following: "(including ambulatory inpatients)", and

(4) by striking out the period at the end of paragraph (2) and inserting in lieu thereof "; or" and by adding after paragraph (2) the following new paragraph:

"(3) which offers to patients not requiring hospitalization the services of licensed physicians in various medical specialties, and which provides to its patients a reasonably full-range of diagnostic and treatment services."

(g) The amendments made by subsection (e) and paragraphs (2) and (3) of subsection (f) of this section shall apply with respect to applications approved under title VI of such Act after June 30, 1970.

DEFINITION OF FACILITY FOR LONG-TERM CARE

SEC. 117. Effective with respect to applications approved under title VI of the Public Health Service Act after June 30, 1970, paragraph (h) of the section of such Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is amended by inserting after "means a facility" the following: "(including an extended care facility)".

GRANTS FOR EQUIPMENT

SEC. 118. Effective with respect to projects approved under title VI of the Public Health

Service Act after June 30, 1970, paragraph (1) of the section of such Act redesignated (by section 201 of this Act) as section 645 (42 U.S.C. 291o) is further amended by inserting before the semicolon "and, in any case in which it will help to provide a service not previously provided in the community, equipment of any buildings".

INCLUSION OF THE TRUST TERRITORY OF THE PACIFIC ISLANDS

SEC. 119. (a) (1) Subparagraphs (A), (B), and (C) of paragraph (1) of subsection (b) of section 602 of the Public Health Service Act (42 U.S.C. 291b) are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(2) Paragraph (2) of such subsection is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(b) Paragraph (1) of subsection (c) of such section is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(c) Paragraphs (1) and (2) of subsection (d) of such section are each amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(d) The section of such Act redesignated (by section 201 of this Act) as section 645 (a) (42 U.S.C. 291o) is amended by inserting "the Trust Territory of the Pacific Islands," after "American Samoa,".

(e) The amendments made by this section shall apply with respect to allotments (and grants therefrom) under part A of title VI of the Public Health Service Act for fiscal years ending after June 30, 1970, and with respect to loan guarantees and loans under part B of such title made after June 30, 1970.

WAIVING OF RIGHT OF RECOVERY

SEC. 120. Section (3) (b) of the Hospital and Medical Facilities Amendments of 1964 (Public Law 88-443) is amended by striking out the period at the end of paragraph (5) and inserting in lieu thereof a semicolon, and by adding after such paragraph the following new paragraph:

"(6) the provisions of clause (b) of section 609 of the Public Health Service Act, as amended by this Act, shall apply with respect to any project whether it was approved, and whether the event specified in such clause occurred, before, on, or after the date of enactment of this Act, except that it shall not apply in the case of any project with respect to which recovery under title VI of such Act has been made prior to enactment of this paragraph."

FINANCIAL STATEMENTS FOR FACILITIES ASSISTED UNDER TITLE VI OF THE PUBLIC HEALTH SERVICE ACT

SEC. 121. Title VI of the Public Health Service Act is amended by adding at the end thereof the following new section:

"FINANCIAL STATEMENTS

"Sec. 646. In the case of any facility for which a grant, loan, or loan guarantee has been made under this title, the applicant for such grant, loan, or loan guarantee (or, if appropriate, such other person as the Secretary may prescribe) shall file at least annually with the State agency for the State in which the facility is located a statement which shall be in such form, and contain such information, as the Secretary may require to accurately show—

"(1) the financial operations of the facility, and

"(2) the costs to the facility of providing health services in the facility and the charges made by the facility for providing such services, during the period with respect to which the statement is filed."

CARRYOVER OF ALLOTMENTS

SEC. 122. Effective with respect to allotments made from appropriations under section 601 of the Public Health Service Act for fiscal years beginning after June 30, 1970,

section 602(d)(1) of such Act is amended (1) by striking out "for the next fiscal year (and for such year only)" and inserting in lieu thereof "for the next two fiscal years (and for such years only)", and (2) by striking out "purpose for such next fiscal year" and inserting in lieu thereof "purposes for such next two fiscal years".

AVAILABILITY OF EXTENDED CARE SERVICES TO PATIENTS OF GENERAL HOSPITALS

SEC. 123. Section 604(a) of the Public Health Service Act (42 U.S.C. 291d) is amended by striking out "and" at the end of paragraph (11), by striking out the period at the end of paragraph (12) and inserting in lieu thereof "; and", and by adding after paragraph (12) the following new paragraph.

"(13) Effective July 1, 1971, provide that before any project for construction or modernization of any general hospital is approved by the State agency there will be reasonable assurance of adequate provision for extended care services (as determined in accordance with regulations) to patients of such hospital when such services are medically appropriate for them, with such services being provided in facilities which (A) are structurally part of, physically connected with, or in immediate proximity to, such hospital, and (B) either (i) are under the supervision of the professional staff of such hospital or (ii) have organized medical staffs and have in effect transfer agreements with such hospitals; except that the Secretary may, at the request of the State agency, waive compliance with clause (A) or (B), or both such clauses, as the case may be, in the case of any project if the State agency has determined that compliance with such clause or clauses in such case would be inadvisable."

TITLE II—LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

SEC. 201. Title VI of the Public Health Service Act is amended by redesignating part B as part D; by redesignating sections 621 through 625 (42 U.S.C. 291k-291o), and all references thereto, as sections 641 through 645, respectively; and by inserting after section 610 (42 U.S.C. 291i) the following new part:

"PART B—LOAN GUARANTEES AND LOANS FOR MODERNIZATION AND CONSTRUCTION OF HOSPITALS AND OTHER MEDICAL FACILITIES

AUTHORIZATION OF LOAN GUARANTEES AND LOANS

"SEC. 621. (a) (1) In order to assist nonprofit private agencies to carry out needed projects for the modernization or construction of nonprofit private hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities, the Secretary, during the period July 1, 1970, through June 30, 1973, may, in accordance with the provisions of this part, guarantee to non-Federal lenders making loans to such agencies for such projects, payment of principal of and interest on loans, made by such lenders, which are approved under this part.

"(2) In order to assist public agencies to carry out needed projects for the modernization or construction of public health centers, and public hospitals, facilities for long-term care, outpatient facilities, and rehabilitation facilities, the Secretary, during the period July 1, 1970, through June 30, 1973, may, in accordance with the provisions of this part, make loans to such agencies which shall be sold and guaranteed in accordance with section 627.

"(b) (1) No loan guarantee under this part with respect to any modernization or construction project may apply to so much of the principal amount thereof as, when added to the amount of any grant or loan under

part A with respect to such project, exceed 90 per centum of the cost of such project.

"(2) No loan to a public agency under this part shall be made in an amount which, when added to the amount of any grant or loan under part A with respect to such project, exceeds 90 per centum of the cost of such project.

"(c) The Secretary, with the consent of the Secretary of Housing and Urban Development, shall obtain from the Department of Housing and Urban Development such assistance with respect to the administration of this part as will promote efficiency and economy thereof.

"ALLOCATION AMONG THE STATES

"SEC. 622. (a) For each fiscal year, the total amount of principal of loans to nonprofit private agencies which may be guaranteed or loans to public agencies which may be directly made under this part shall be allotted by the Secretary among the States, in accordance with regulations, on the basis of each State's relative population, financial need, need for construction of the facilities referred to in section 621(a), and need for modernization of such facilities.

"(b) Any amount allotted under subsection (a) to a State for a fiscal year ending before July 1, 1973, and remaining unobligated at the end of such year shall remain available to such State, for the purpose for which made, for the next two fiscal years (and for such years only), and any such amount shall be in addition to the amounts allotted to such State for such purpose for each of such next two fiscal years; except that, with the consent of any such State, any such amount remaining unobligated at the end of the first of such next fiscal year may be reallocated (on such basis as the Secretary deems equitable and consistent with the purposes of this title) to other States which have need therefor. Any amounts so reallocated to a State shall be available for the purposes for which made until the close of the second such next two fiscal years and shall be in addition to the amount allotted and available to such State for the same period.

"(c) Any amount allotted or reallocated to a State under this section for a fiscal year shall not, until the expiration of the period during which it is available for obligation, be considered as available for allotment for a subsequent fiscal year.

"(d) The allotments of any State under subsection (a) for the fiscal year ending June 30, 1971, and the succeeding fiscal year shall also be available to guarantee loans with respect to any project, for modernization or construction of a nonprofit private hospital or other health facility referred to in section 621(a)(1), if the modernization or construction of such facility was not commenced earlier than January 1, 1968, and if the State certifies and the Secretary finds that without such guaranteed loan such facility could not be completed and begin to operate or could not continue to operate, but with such guaranteed loan would be able to do so: *Provided*, That this subsection shall not apply to more than two projects in any one State.

"APPLICATIONS AND CONDITIONS

"SEC. 623. (a) For each project for which a guarantee of a loan to a nonprofit private agency or a direct loan to a public agency is sought under this part, there shall be submitted to the Secretary, through the State agency designated in accordance with section 604, an application by such private nonprofit agency or by such public agency. If two or more private nonprofit agencies, or two or more public agencies, join in the project, the application may be filed by one or more such agencies. Such application shall (1) set forth all of the descriptions, plans, specifications, assurances, and information which are required by the third sentence of section 605(a) (other than clause (6) thereof) with respect to applications

submitted under that section, (2) contain such other information as the Secretary may require to carry out the purposes of this part, and (3) include a certification by the State agency of the total cost of the project and the amount of the loan for which a guarantee is sought under this part, or the amount of the direct loan sought under this part, as the case may be.

"(b) The Secretary may approve such application only if—

"(1) there remains sufficient balance in the allotment determined for such State pursuant to section 622 to cover the amount of the loan for which a guarantee is sought, or the amount of the direct loan sought (as the case may be), in such application,

"(2) he makes each of the findings which are required by clauses (1) through (4) of section 605(b) for the approval of applications for projects thereunder (except that, in the case of the finding required under such clause (4) of entitlement of a project to a priority established under section 603(a), such finding shall be made without regard to the provisions of clauses (1) and (3) of such section),

"(3) he finds that there is compliance with section 605(e),

"(4) he obtains assurances that the applicant will keep such records, and afford such access thereto, and make such reports, in such form and containing such information, as the Secretary may reasonably require, and

"(5) he also determines, in the case of a loan for which a guarantee is sought, that the terms, conditions, maturity, security (if any), and schedule and amounts of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable and in accord with regulations, including a determination that the rate of interest does not exceed such per centum per annum on the principal obligation outstanding as the Secretary determines to be reasonable, taking into account the range of interest rates prevailing in the private market for similar loans and the risks assumed by the United States.

"(c) No application under this section shall be disapproved until the Secretary has afforded the State agency an opportunity for a hearing.

"(d) Amendment of an approved application shall be subject to approval in the same manner as an original application.

"(e) (1) In the case of any loan to a nonprofit private agency, the United States shall be entitled to recover from the applicant the amount of any payments made pursuant to any guarantee of such loan under this part, unless the Secretary for good cause waives its right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the guarantee was made.

"(2) Guarantees of loans to nonprofit private agencies under this part shall be subject to such further terms and conditions as the Secretary determines to be necessary to assure that the purposes of this part will be achieved, and, to the extent permitted by subsection (f), any of such terms and conditions may be modified by the Secretary to the extent he determines it to be consistent with the financial interest of the United States.

"(f) Any guarantee of a loan to a nonprofit private agency made by the Secretary pursuant to this part shall be incontestable in the hands of an applicant on whose behalf such guarantee is made, and as to any person who makes or contracts to make a loan to such applicant in reliance thereon, except for fraud or misrepresentation on the part of such applicant or such other person.

"PAYMENT OF INTEREST ON GUARANTEED LOAN

"SEC. 624. (a) Subject to the provisions of subsection (b), in the case of a guarantee of any loan to a nonprofit private agency under this part with respect to a hospital or other

medical facility, the Secretary shall pay, to the holder of such loan and for and on behalf of such hospital or other medical facility amounts sufficient to reduce by 3 per centum per annum the net effective interest rate otherwise payable on such loan. Each holder of a loan, to a nonprofit private agency, which is guaranteed under this part shall have a contractual right to receive from the United States interest payments required by the preceding sentence.

"(b) Contracts to make the payments provided for in this section shall not carry an aggregate amount greater than such amount as may be provided in appropriations Acts.

"LIMITATION ON AMOUNT OF LOANS GUARANTEED OR DIRECTLY MADE

"SEC. 625. The cumulative total of the principal of the loans outstanding at any time with respect to which guarantees have been issued, or which have been directly made, under this part may not exceed the lesser of—

"(1) such limitations as may be specified in appropriations Acts, or

"(2) in the case of loans covered by allotments for the fiscal year ending June 30, 1971, \$500,000,000; for the fiscal year ending June 30, 1972, \$1,000,000,000; and for the fiscal year ending June 30, 1973, \$1,500,000,000.

"LOAN GUARANTEE AND LOAN FUND

"SEC. 626. (a) (1) There is hereby established in the Treasury a loan guarantee and loan fund (hereinafter in this section referred to as the 'fund') which shall be available to the Secretary without fiscal year limitation in such amounts as may be specified from time to time in appropriations Acts, (i) to enable him to discharge his responsibilities under guarantees issued by him under this part, (ii) for payment of interest on the loans to nonprofit agencies which are guaranteed, (iii) for direct loans to public agencies which are sold and guaranteed, (iv) for payment of interest with respect to such loans, and (v) for repurchase by him of direct loans to public agencies which have been sold and guaranteed. There are authorized to be appropriated to the fund from time to time such amounts as may be necessary to provide capital required for the fund. To the extent authorized from time to time in appropriation Acts, there shall be deposited in the fund amounts received by the Secretary as interest payments or repayments of principal on loans and any other moneys, property, or assets derived by him from his operations under this part, including any moneys derived from the sale of assets.

"(2) Of the moneys in the fund, there shall be available to the Secretary for the purpose of making of direct loans to public agencies only such sums as shall have been appropriated for such purpose pursuant to section 627 or sums received by the Secretary from the sale of such loans (in accordance with such section) and authorized in appropriations Acts to be used for such purpose.

"(b) If at any time the moneys in the fund are insufficient to enable the Secretary to discharge his responsibilities under this part—

"(1) to make payments of interest on loans to nonprofit private agencies which he has guaranteed under this part;

"(ii) to otherwise comply with guarantees under this part of loans to nonprofit private agencies;

"(iii) to make payments of interest subsidies with respect to loans to public agencies which he has made, sold, and guaranteed under this part;

"(iv) in the event of default by public agencies to make payments of principal and interest on loans which the Secretary has made, sold, and guaranteed, under this part, to make such payments to the purchaser of such loan;

"(v) to repurchase loans to public agencies which have been sold and guaranteed under this part,

he is authorized to issue to the Secretary of the Treasury notes or other obligations in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary with the approval of the Secretary of the Treasury, but only in such amounts as may be specified from time to time in appropriations Acts. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturities during the month preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose he is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States. Sums borrowed under this subsection shall be deposited in the fund and redemption of such notes and obligations shall be made by the Secretary from such fund.

"PROVISIONS APPLICABLE TO LOANS TO PUBLIC FACILITIES

"SEC. 627. (a) (1) Any loan made by the Secretary to a public agency under this part for the modernization or construction of a public hospital or other health facility shall require such public agency to pay interest thereon at a rate comparable to the current rate of interest prevailing with respect to loans, to nonprofit private agencies, which are guaranteed under this part, for the modernization or construction of similar facilities in the same or similar areas, minus 3 per centum per annum.

"(2) (A) No loan to a public agency shall be made under this part unless—

"(i) the Secretary is reasonably satisfied that such agency will be able to make payments of principal and interest thereon when due, and

"(ii) such agency provides the Secretary with reasonable assurances that there will be available to such agency such additional funds as may be necessary to complete the project with respect to which such loan is requested.

"(B) Any loan to a public agency shall have such security, have such maturity date, be repayable in such installments, and be subject to such other terms and conditions (including provision for recovery in case of default) as the Secretary determines to be necessary to carry out the purposes of this part while adequately protecting the financial interests of the United States.

"(3) In making loans to public agencies under this part, the Secretary shall give regard to achieving an equitable geographical distribution of such loans.

"(b) (1) The Secretary shall from time to time, but with due regard to the financial interests of the United States, sell loans referred to in subsection (a) (1) either on the private market or to the Federal National Mortgage Association in accordance with section 302 of the Federal National Mortgage Association Charter Act.

"(2) Any loan so sold shall be sold for an amount which is equal (or approximately equal) to the amount of the unpaid principal of such loan as of the time of sale.

"(c) (1) The Secretary is authorized to enter into an agreement with the purchaser of any loan sold under this part under which the Secretary agrees—

"(A) to guarantee to such purchaser (and any successor in interest to such purchaser) payment of the principal and interest payable under such loan, and

"(B) to pay as an interest subsidy to such purchaser (and any successor in interest of such purchaser) amounts which when added to the amount of interest payable on such loan, are equivalent to a reasonable rate of interest on such loan as determined by the Secretary, after taking into account the range of prevailing interest rates in the private market on similar loans and the risks assumed by the United States.

"(2) Any such agreement—

"(A) may provide that the Secretary shall act as agent of any such purchaser, for the purpose of collecting from the public agency to which such loan was made and paying over to such purchaser, any payments of principal and interest payable by such agency under such loan;

"(B) may provide for the repurchase by the Secretary of any such loan on such terms and conditions as may be specified in the agreement;

"(C) shall provide that, in the event of any default by the public agency to which such loan was made in payment of principal and interest due on such loan, the Secretary shall, upon notification to the purchaser (or to the successor in interest of such purchaser), have the option to close out such loan (and any obligations of the Secretary with respect thereto) by paying to the purchaser (or his successor in interest) the total amount of outstanding principal and interest due thereon at the time of such notification; and

"(D) shall provide that, in the event such loan is closed out as provided in subparagraph (C), or in the event of any other loss incurred by the Secretary by reason of the failure of such public agency to make payments of principal and interest on such loan, the Secretary shall be subrogated to all rights of such purchaser for recovery of such loss from such public agency.

"(d) The Secretary may, for good cause, waive any right of recovery which he has against a public agency by reason of the failure of such agency to make payments of principal and interest on a loan made to such agency under this part.

"(e) After any loan to a public agency under this part has been sold and guaranteed, interest paid on such loan and any interest subsidy paid by the Secretary with respect to such loan which is received by the purchaser thereof (or his successor in interest) shall be included in gross income for the purposes of chapter 1 of the Internal Revenue Code of 1954.

"(f) Amounts received by the Secretary as proceeds from the sale of loans under this section shall be deposited in the loan fund established by section 626, and shall be available to the Secretary for the making of further loans under this part in accordance with the provisions of subsection (a) (2) of such section.

"(g) There is authorized to be appropriated to the Secretary, for deposit in the loan fund established by section 626, \$30,000,000 to provide initial capital for the making of direct loans by the Secretary to public agencies for the modernization or construction of facilities referred to in subsection (a) (1)."

AMENDMENT TO FEDERAL NATIONAL MORTGAGE ASSOCIATION CHARTER ACT

SEC. 202. The first sentence of section 302 (b) of the Federal National Mortgage Association Charter Act is amended by inserting after the first semicolon the following: "and to purchase, service, sell, or otherwise deal in any loans made to a public agency under

part B of title VI of the Public Health Service Act;"

TITLE III—GRANTS FOR CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS OF GENERAL HOSPITALS

SEC. 301. Title VI of the Public Health Service Act is further amended by adding after part B (added by section 201 of this Act) the following new part:

"PART C—CONSTRUCTION OR MODERNIZATION OF EMERGENCY ROOMS

"AUTHORIZATION

"SEC. 631. In order to assist in the provision of adequate emergency room service in various communities of the Nation for treatment of accident victims and handling of other medical emergencies through special project grants for the construction or modernization of emergency rooms of general hospitals, there are authorized to be appropriated \$20,000,000 each for the fiscal year ending June 30, 1971, and the next two fiscal years.

"ELIGIBILITY FOR GRANTS

"SEC. 632. Funds appropriated pursuant to section 631 shall be available for grants by the Secretary for not to exceed 50 per centum of the cost of construction or modernization of emergency rooms of public or nonprofit general hospitals, including provision or replacement of medical transportation facilities. Such grants shall be made by the Secretary only after consultation with the State agency designated in accordance with section 604(a) (1) of the Public Health Service Act. In order to be eligible for a grant under this part, the project, and the applicant therefor, must meet such criteria as may be prescribed by regulations. Such regulations shall be so designed as to provide aid only with respect to projects for which adequate assistance is not readily available from other Federal, State, local, or other sources, and to assist in providing modern, efficient, and effective emergency room service needed to care for victims of highway, industrial, agricultural, or other accidents and to handle other medical emergencies, and to assist in providing such service in geographical areas which have special need therefor.

"PAYMENTS

"SEC. 633. Grants under this part shall be paid in advance or by way of reimbursement, in such installments and on such conditions, as in the judgment of the Secretary will best carry out the purposes of this part."

TITLE IV—EVALUATION OF HEALTH PROGRAMS

SEC. 401. (a) Title V of the Public Health Service Act is amended by inserting at the end thereof the following new section:

"EVALUATION OF PROGRAMS

"SEC. 513. Such portion as the Secretary may determine, but not more than 1 per centum, of any appropriation for grants, contracts, or other payments under any provision of this Act, the Mental Retardation Facilities Construction Act, the Community Mental Health Centers Act, the Act of August 5, 1954 (Public Law 568, Eighty-third Congress), or the Act of August 16, 1957 (Public Law 85-151), for any fiscal year beginning after June 30, 1970, shall be available for evaluation (directly, or by grants or contracts) of any program authorized by this Act or any of such other Acts, and, in the case of allotments from any such appropriation, the amount available for allotment shall be reduced accordingly."

(b) (1) Effective with respect to appropriations for fiscal years beginning after June 30, 1970—

(A) section 304(d) of the Public Health Service Act (42 U.S.C. 242b) is amended by striking out ":", except that for any fiscal year ending after June 30, 1968" and all that follows down to but not including the period;

(B) section 309(c) of such Act (42 U.S.C. 242g) is amended by striking out "(1)", and by striking out ":", and (2)" and all that follows down to but not including the period;

(C) section 314(d)(1) of such Act (42 U.S.C. 246) is amended by striking out ":", except that, for any fiscal year ending after June 30, 1968" and all that follows down to but not including the period;

(D) section 314(e) of such Act (42 U.S.C. 246) is amended by striking out the last sentence;

(E) section 797 of such Act (42 U.S.C. 295h-6) is repealed; and

(F) section 901(a) of such Act (42 U.S.C. 299a) is amended by striking out the last sentence.

(2) Effective with respect to appropriations for fiscal years beginning after June 30, 1970, section 262 of the Community Mental Health Centers Act (42 U.S.C. 2688p) is repealed.

TITLE V—MARIHUANA

CONGRESSIONAL FINDINGS

SEC. 501. The Congress finds that the use of marihuana is increasing in the United States, especially among the young people thereof, and that there is need for a better understanding of the health consequences of using marihuana. The Congress further finds that, notwithstanding the various studies carried out, and research engaged in, with respect to the use of marihuana, there is a lack of an authoritative source for obtaining information involving the health consequences of using marihuana.

HEALTH RESEARCH REPORTS

SEC. 502. The Secretary of Health, Education, and Welfare, after consultation with the Surgeon General and other appropriate individuals, shall transmit a report to the Congress on or before January 31, 1971, and annually thereafter (1) containing current information on the health consequences of using marihuana, and (2) containing such recommendations for legislative and administrative action as he may deem appropriate. A preliminary report shall be transmitted to the Congress by the Secretary concerning current information on the health consequences of using marihuana not later than ninety (90) days after the date of enactment of this title.

SHORT TITLE

SEC. 503. This title may be cited as the "Marihuana and Health Reporting Act".

TITLE VI—AVAILABILITY OF APPROPRIATIONS

SEC. 601. Notwithstanding any other provision of law, unless enacted after the enactment of this Act expressly in limitation of the provisions of this section, funds appropriated for any fiscal year ending prior to July 1, 1973, to carry out any program for which appropriations are authorized by the Public Health Service Act (Public Law 410, Seventy-eighth Congress, as amended) or the Mental Retardation Facilities and Community Mental Health Centers Construction Act of 1963 (Public Law 88-164, as amended) shall remain available for obligation and expenditure until the end of such fiscal year.

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate to the title of the bill, and agree to the same.

RALPH W. YARBOROUGH,
HARRISON A. WILLIAMS, Jr.,
EDWARD M. KENNEDY,
GAYLORD NELSON,
THOMAS F. EAGLETON,
ALAN CRANSTON,
HAROLD E. HUGHES,
PETER H. DOMINICK,
JACOB K. JAVITS,
GEORGE MURPHY,
WINSTON PROUTY,
WILLIAM B. SAXBE,

Managers on the Part of the Senate.

HARLEY O. STAGGERS,
JOHN JARMAN,
PAUL G. ROGERS,
W. L. SPRINGER,
ANCHER NELSEN,

Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

PRIVILEGE OF THE FLOOR

Mr. YARBOROUGH. Mr. President, I ask unanimous consent that Mr. LeRoy Goldman may have staff privileges of the floor during the consideration of this matter. Mr. Goldman is a congressional fellow and is working for the Senate Labor Committee under a program sponsored by the Civil Service Commission and the American Political Science Association.

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

Mr. YARBOROUGH. Mr. President, the Medical Facilities Construction and Modernization Amendments of 1970 is a 3-year bill which authorizes almost \$3 billion in grants and guaranteed loans for the construction and modernization of health facilities. This bill contains the most comprehensive changes ever made in the Hill-Burton legislation since its enactment in 1946.

The Medical Facilities Construction and Modernization Amendments of 1970, in title I, authorizes a 3-year program of grants to the States to pay for part of the cost of new construction and modernization of public and other nonprofit hospitals, extended care facilities, outpatient facilities, public health centers, and rehabilitation facilities. Total authorization for outright grants is \$382.5 million for 1971, \$402.5 million for 1972, and \$417.5 million for 1973. The total authorization for 1970 under expiring legislation is \$295 million. So we have a substantial increase under present authorizations and under existing law.

There are separate authorizations for each of the categories of health facilities—hospitals, extended care facilities, public health centers, outpatient facilities, and rehabilitation facilities.

One of the major points discussed in the bill in the subcommittee, in the committee, on the floor of the Senate, and in the conference with the House was the formula for allocating funds, among the States for the construction of health facilities. As reported by the conferees, the bill continues the existing formula, but it also requires the Secretary of Health, Education, and Welfare to study the effects of the formula, and to report the results of the study to the Congress, together with any recommendations for changing the formula under any amendment of the law in the future.

The bill states that the report is to be submitted to the Congress on May 15, 1972. It is the understanding of the Senate conferees that the Secretary need not delay the submission of the report until that date if the report is completed at an earlier date.

There are several changes in existing law that will contribute to better health care. First of all, there is a provision

under the existing law that prohibits financial assistance for the construction of outpatient facilities unless they are owned by a public agency or by a private, nonprofit hospital. This restriction would be relaxed to permit any private, nonprofit group to construct or modernize an outpatient facility. Priority would be given to projects where comprehensive health services are provided. States may give priority to rural communities. Another priority has been added in the case of projects for construction and modernization of facilities which provide training in health professions.

This is a major change in the bill. In the past, under hospital construction laws, States had to give priority to rural areas. Many of the large States felt that the need was greatest in the urban areas. This is a compromise. The bill leaves it up to each State to decide whether it wants to give priority to rural areas or whether it does not want to give priority to rural areas. The requirement that a priority be given to rural areas is taken out of the bill. It is optional with each State.

To contribute to reducing the cost of health care, the legislation would give the States the option of increasing the Federal share of construction costs up to 90 percent in the case of projects that offer potential for reducing health care costs through shared services, interfacility cooperation, or freestanding ambulatory care centers.

In title II, the bill would authorize a new program of loan guarantees to cover up to 90 percent of the cost of modernization and construction of hospitals and other health care facilities. A similar provision was passed by the Senate last year but was dropped in conference.

The total amount of principal of loans which may be guaranteed would be divided between modernization and new construction by the Secretary, and allocated among the States on the basis of each State's relative population, financial need, and need for modernization and construction, respectively. The Federal Government would pay 3 percent of interest charges.

With the outrageously high interest rates, the highest in the history of the country, even if the money were able to be borrowed, they could not do it. Under this proposal the Federal Government would pay 3 percent of the interest charges to enable them to borrow the money to build the hospital facilities.

The cumulative total of principal of the guaranteed loans outstanding will be \$1.5 billion over 3 years, but not more than \$500 million per year.

I point out that this is a great advance in the amount of money to be made available for this outpatient and other health care facilities.

Title III would authorize a new program for grants for the modernization and construction of emergency rooms of general hospitals. The authorization is for \$20 million each year for the next 3 years. These special project grants would be administered by the Secretary of Health, Education, and Welfare, after consultation with the existing State agency, for projects for which adequate assistance is not readily available from other sources to assist in providing mod-

ern, efficient, and effective emergency room services needed to care for victims of highway, industrial, agricultural, or other accidents and to handle other medical emergencies, and to assist in providing such services in geographical areas which have special need.

The \$20 million for 3 years is a small amount of money when compared with the \$3 billion, but it is a vital and important part of the money, because many of the large hospitals have emergency rooms that are not adequate at all for our modern way of life.

We know, with more than 50,000 lives being lost in this country from highway accidents alone, and from studies our committee has made, that many hospitals in Europe are far ahead of ours in the matter of emergency rooms and methods of getting injured people there. With some 7 million people being injured in industrial accidents every year, with 2,200,000 of those disabled, and with 14,000 dying each year in home accidents and other similar accidents, this is something badly needed in America.

Also, once the war in Vietnam is settled and we get the helicopters back, especially in the industrial centers of the East, where there are turnpikes and superhighways, the helicopter will prove a useful means for getting the injured right to the hospital, the way the injured servicemen in Vietnam are now transported to the hospitals.

If one visits some of the newer small hospitals in areas of lower population, he will find very modern emergency rooms built right up against the docks where the ambulances come, with the equipment right there. It is the purpose of the modern emergency rooms to be so constructed as to enable helicopters or ambulances to move injured people right to them, where they can immediately be carried in and given immediate treatment to save their lives.

It is most appropriate that the Senate pass a bill today that will permit us to continue our progress in making modern hospitals and health care facilities accessible to all the people of this country. This legislation provides for a number of innovations to encourage a better utilization of our limited health resources, improve the delivery of health services, and reduce the soaring costs of medical care.

The cost of medical care is a problem that concerns all of us. All of our citizens are entitled to adequate health services—not as a privilege, but as a basic right.

The cost of these health services is rising rapidly. In some hospitals across the country, the per diem rate exceeds \$100. The national average for 1969 was over \$65 a day, an increase of 12 percent over the preceding year.

This great need is pressing down upon the country. This is the biggest hospital construction bill in the history of this country, but a very modest bill compared with the needs of the country. Despite all of these rising charges, hospitals are badly in need of substantial financial assistance for construction and modernization. The States report urgent needs for the construction of new health facilities at an estimated cost of \$6 billion, and urgent needs for the modernization or replacement of obsolete health

care facilities at an estimated cost of \$10.5 billion or a total of \$16.5 billion. I have learned from the Department of Health, Education, and Welfare that in my own State of Texas the cost to construct needed new health facilities is estimated at \$469 million, and \$383 million more, to modernize obsolete health facilities. That is one State alone out of the 50 that need the \$16.5 billion, as I have described.

These costs cannot be met without assistance in the form of grants and guaranteed loans from the Federal Government. That is why the legislation that I am proposing provides increased financial assistance through grants and insured loans for the badly needed construction and modernization of health care facilities.

In conclusion, this bill has \$2.79 billion in authorizations over the next 3 years, \$1.29 billion in grants and \$1.5 billion in loan guarantees. In no year are there less than \$900 million in authorizations.

This is a large amount of money, but only a token of the \$16½ billion the States have certified are needed now for hospital construction, enlargement, and modernization. This conference report is substantially less than is authorized in the Senate bill, but after numerous conferences with the House, we came to the conclusion that this was the best bill we could pass this year. And it is the largest, best, most comprehensive hospital construction bill ever to pass the Congress.

It is better than anything we have had before. After many hours of negotiation, we concluded it was the best bill we could get out of that conference this year—as I say, the largest hospital construction bill ever to pass Congress.

I congratulate all of the members of the Health Subcommittee of the Senate who worked so long and so diligently on this matter, who wanted a larger bill, and all the members of the Committee on Labor and Public Welfare.

I commend the Senate conferees. The distinguished Senator from Colorado (Mr. DOMINICK) is present on the floor. He and other members of the committee, such as the ranking minority member (Mr. JAVITS) worked diligently on this matter.

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

Mr. YARBOROUGH. I yield.

Mr. DOMINICK. Mr. President, I want to express my thanks, as ranking member of the Health Subcommittee, to our committee chairman, the Senator from Texas (Mr. YARBOROUGH), who I think did an excellent job as chairman of the conference.

Obviously, we had some major differences with the House of Representatives. Their authorization, by and large, was less. They had a 3-year bill. They did not have guaranteed loans. They did not have a number of other provisions that we had in our Senate bill.

However, after several sessions, we finally got them to compromise on most of the changes we had made, and in turn, had to give them some compromises.

I am particularly proud to have been the initiator of a new system for fed-

erally guaranteed loans to public hospitals. We prepared that provision in my office, with the cooperation of the chairman and the administration. It creates a fund which can be turned over a number of times per year, to help finance the public hospital system in this country. If we had not been able to get this new provision into law, I think we would have found ourselves in very substantial trouble in our public hospital system because of the cut-back in funds on direct grants or direct loans.

In short, my financing amendment provides that the Secretary of Health, Education, and Welfare make low-interest loans from the fund to public hospitals. HEW is to take the obligation from the hospital representing the loan, increase the interest rate, guarantee the obligation, and sell it to private investors. However, it will be sold as a taxable instrument, not as a tax-exempt instrument. Therefore, we do not have the potential of ruining the municipal bond market, which we might otherwise have done if these had been tax-exempt federally guaranteed securities.

I was also pleased that, after some initial objections on the grounds of jurisdiction, the House conferees agreed to accept my amendment—agreed to by the Senate on April 7, 1970—requiring annual reports on the health consequences of using marihuana. This appears as title V of the conference bill. Those of us who have been active in trying to determine what we should do in the drug field have become increasingly perplexed over the contradictory reports concerning research which has gone on as to the health effects of marihuana. It seemed to me some time ago that we should take affirmative steps to obtain some type of authoritative report, as we did in the tobacco situation, so that the public will be kept informed on a continuing basis what research to date has indicated with respect to the use of marihuana.

As I say, the marihuana provision was finally accepted by the conferees, and is now a part of the conference report.

Ninety days after this bill is signed by the President the first marihuana report will be due.

The third thing I think I should mention is retroactivity which was put into the bill at the request of the Senator from New Hampshire (Mr. Corron) and the Senator from Kentucky (Mr. Cooper). They had particular situations where they had hospitals which were under construction, which were running into problems; and yet if those hospitals could be completed, it would be of substantial advantage in taking care of the health needs of their respective States.

The unfortunate part about the situation as we faced it in conference was an indication that if we went along totally with the wording as it had originally been put into the bill on the Senate side, there were well over 1,200 particular hospitals which might fit into this category. That would mean the money which we had provided would probably go into completing something which had been started, and none of it getting into new phases which we wanted to work on.

We finally compromised, after very ex-

tended discussion with the House of Representatives conferees, who did not want any part of it. What we did, as I recall—and I hope the Senator from Texas will correct me if I am wrong—was say that any State could have two projects or applications for projects to use the funds that we were supplying, even though they went back to January 1, 1968. I ask the Senator from Texas, is that correct?

Mr. YARBOROUGH. That is correct.
Mr. DOMINICK. So that would take care, I believe, of the situation with respect to the Senator from Kentucky and the Senator from New Hampshire, who fought so ably for their States.

Mr. COTTON. Mr. President, will the Senator yield for a moment?

Mr. YARBOROUGH. I yield to the distinguished Senator from New Hampshire.

Mr. COTTON. I wish to express my very deep appreciation, not only to the entire committee, but particularly to the able and effective chairman—who has operated with the effectiveness and fidelity that all of us appreciate—and to the ranking minority member, for their consideration and for their standing by to save the important points in the Senate amendment. In the case of the Senator from New Hampshire, this amendment means much to an institution which serves the whole of northern New England, an institution which I am sure would qualify. It would be a distinct loss if they were deprived of the opportunity to participate in the loan guaranty program, because I am sure that the State authorities and the Secretary of Health, Education, and Welfare, would agree as to the extreme need in this case.

I cannot adequately express my appreciation to the committee and to its conferees for the help they gave us in preserving the amendment.

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

Mr. YARBOROUGH. I yield.

Mr. COOPER. I think it is correct, is it not, that the conference report provides that from the funds allocated to a State, the State could allot funds to a hospital facility commenced after January 1, 1968, if the State and the Secretary find that such funds are necessary to complete the facility?

Mr. YARBOROUGH. That is correct.

Mr. COOPER. I thank the Senator from Texas and the Senator from Colorado.

There is a situation in Lexington, Ky., similar to the one the Senator from New Hampshire (Mr. Corron) mentioned. It involved one of the best hospitals in our State, one which has done great service. I am grateful to both Senators for helping us.

I also congratulate the Senator from Texas and the Senator from Colorado for the development of the entire bill, with the new titles that have been added, which will hasten the construction of hospital facilities throughout our country, so badly needed.

Mr. YARBOROUGH. I thank the distinguished Senator from New Hampshire and the distinguished Senator from Kentucky for their very kind remarks.

This was a bipartisan bill. We worked together on it. There was a contribution on both sides.

Senator DOMINICK has outlined some of amendments he offered. The point about retroactivity, to which the distinguished Senator from New Hampshire and the distinguished Senator from Kentucky have addressed themselves, was one of the sticking points between the House and the Senate. It took considerable time in negotiation to work out the difficulties. We pointed out that these amendments were offered on the floor, were adopted on the floor, and were the amendments of the entire Senate. So, having had the endorsement of the entire Senate and knowing they were in there by floor adoption, the arrangement was worked out which has been narrated and clarified in the interrogatories on the floor.

I thank the distinguished Senators. I thank the distinguished Senator from Colorado for his kind remarks and for his diligent contribution and work on this bill. He was present at the hearings, at the executive sessions, and at the conference with the House.

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

Mr. YARBOROUGH. I yield.

Mr. DOMINICK. I thank the Senator from Texas.

I was very glad that we worked out this compromise. It did cut down immediately the 1,200 applications that might have been put in, according to HEW, to 100—two for each State.

Senator PROUTY, who worked out part of the wording of this compromise, did a very fine job. He pointed out, as the Senators from New Hampshire and Kentucky have said, that what we are dealing with here are applications within a State out of the money that has already been allocated to the State, and the State should know where the money could best be spent. It seemed to us that this was a feasible way to do it and still maintain the modern features put in the bill.

The other point I wanted to make on behalf of the Senator from Texas is the question of the formula, which was a very tough sticking point. Both the Senator from Texas and I were opposed to changing the formula in committee, but we were defeated in committee on a roll-call vote. Then the Senator from Texas and the Senator from New York (Mr. JAVITS) got together on a compromise, and that compromise was built into the bill as we discussed it on the floor of the Senate. Therefore, it became a Senate position, and we maintained that position all the way through until the very end, until it became apparent that the whole deal was going to go down the drain and the conference report would not be agreed to at all unless we modified our position.

It was this which brought about finally a renewal of the old formula, which actually is perfectly satisfactory to me and I believe to the Senator from Texas, plus a statement that we should have a report on the possibilities of changing this by May 15, 1972. This will give us time before the bill expires, so that we can discuss the implications of any changes in the formula which may be proposed after this survey.

Retaining the formula is not nearly as serious a matter as some of our col-

leagues had indicated on the floor during the debate. I say that for this reason: Built into the formula on grants is a flexibility which was not heretofore available. All the money which was put into the construction fund and appropriated can be used for modernization purposes, and many members from the big States have indicated that this is their crying need. The modernization formula, in turn, is far more flexible than is the construction formula and does have the criteria of need built into it before the money is allocated.

Consequently, we have taken care of many of the problems they were talking about on the great need for modernization by permitting this transfer of funds between the construction fund over to modernization, and this is the way the State agency itself believes is proper.

As a result, Mr. President, after extended conferences, somewhat difficult at times, conducted in good humor and in good grace, but very tough positions on the part of the House, I believe we have a good bill. I congratulate the chairman, Senator YARBOROUGH, for the work he has done on it. I also extend my congratulations to our staff—Mr. Jack Forsythe, general counsel of the full committee, and Mr. Jay Cutler, minority counsel to the health subcommittee, and to my own staff members, Mr. Dick Spelts and Mr. Phil Potter.

It is my hope that we can adopt this conference report today, get it through the House, and have a bill which the medical authorities will agree may not be perfect, but is better than anything they have had to date.

Mr. YARBOROUGH. I thank the distinguished Senator from Colorado for his remarks.

I join with the Senator and associate myself with the remarks he made about the work of the staff members on this bill, particularly the general counsel of the Committee on Labor and Public Welfare, Mr. Jack Forsythe, who was formerly counsel on the House side. He came to the Senate with Senator Lister Hill and has been chief counsel for the committee for a number of years. Especially on health matters, the people of the Nation owe a great deal to Jack Forsythe's legislative expertise in working out these compromises with the House. He knows the personnel there.

This measure will make five major health bills which have been passed by Congress this year; and, as the Senator from Colorado knows, we have several more to go. In this session we will have passed more major health legislation than any other session of Congress, by the time Congress adjourns, if we have not already done so. This is the most extensive hospital construction and modernization bill of this Congress.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER (Mr. CRANSTON). The question is on agreeing to the motion of the Senator from Texas. The motion was agreed to.

U.S. PRISONERS OF WAR

Mr. FULBRIGHT. Mr. President, on Wednesday, the Senate by a vote of 36 to

54 defeated the amendment that would have said, in effect, that the President can keep U.S. forces in Cambodia indefinitely as long as any Americans were being held prisoner there.

I regret that the issue of U.S. prisoners of war was brought into the discussion of the Cooper-Church amendment. The Senate took the proper action in saying that the terrible plight of the prisoners should not be involved in a dispute over the respective powers of the Congress and the President. But I hope that the leaders in Hanoi will not misread the Senate's action. It in no way means that the Senate does not feel very strongly about the treatment of our prisoners at the hands of the enemy.

I abhor, as I know all Senators do, the fact that North Vietnam has failed to abide by the provisions of the Geneva Convention on Treatment of Prisoners which it signed.

The leaders in Hanoi should know that the American people, although divided over the war, are united in their concern for American prisoners; wherever they may be held.

I have done everything within my power to persuade the North Vietnamese to give decent treatment to U.S. prisoners and to release their names. I shall continue to do so.

Mr. President, when I saw the Prime Minister of Sweden, Olof Palme, last Thursday, I spoke to him about this problem. He pledged that he and his administration in Sweden would do everything they could to be of assistance in obtaining the best possible treatment for our prisoners of war held by the North Vietnamese.

HISTORY OF UNITED STATES-INDOCHINA RELATIONS

Mr. FULBRIGHT. Mr. President, on May 13, the Committee on Foreign Relations heard most interesting and informative testimony from Mr. David Schoenbrun concerning the history of United States-Indochina relations.

Mr. Schoenbrun is a distinguished journalist, author, and lecturer. He has covered events in Indochina, as a journalist, for a quarter of a century. As a correspondent, he covered the French negotiations with Ho Chi Minh in 1946, and the war in Indochina. He also covered the negotiations relative to ending the war in Indochina, culminating in the Geneva Conference in 1954, and the subsequent beginning of American involvement in Vietnam.

In addition to writing and lecturing, Mr. Schoenbrun is a member of the faculties of the Graduate School of International Affairs of Columbia University, and the New School for Social Research in New York City.

To our Nation's tragedy, we did not seem to learn anything from the experience of the French, proving, as George Santayana wrote, that:

Those who cannot remember the past are condemned to repeat it.

I have always believed that we, as a nation, would find it easier to get out of the quagmire of Southeast Asia if the American people were more aware of the

history of how we got there in the first place. Mr. Schoenbrun has traced the history of our involvement in an able manner, and I commend his statement to the attention of my colleagues and the public.

I ask unanimous consent to have his statement printed in the RECORD.

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

STATEMENT BY MR. DAVID SCHOENBRUN ON THE HISTORY OF UNITED STATES-INDOCHINA RELATIONS, SENATE COMMITTEE ON FOREIGN RELATIONS, MAY 13, 1970

Where and what is Indochina? When, how and why did the United States first get involved and then committed to fighting a major war in that area? These are questions being asked with acute anguish by the entire nation. They are questions that were raised many times in the past by distinguished members of this Committee. Excellent reports have been made by such investigating groups as those led by Senator Mansfield and others over the course of more than two decades. Yet the general public remains largely uninformed and confused by the history of the tragic affair. In lectures and question-and-answer sessions on radio and TV across the country, I have become convinced that less than one percent of Americans are familiar with the basic facts, documents and arguments involved in the longest foreign war we have ever fought. They have not read the text of the Geneva Accords of 1954 or 1962, or the SEATO Treaty, documents frequently referred to by Administration spokesmen in justification of charges of communist aggression and American commitments to halt aggression. Even members of Congress seem to have forgotten the original texts and the ratification testimony before this distinguished committee, or not to be aware of the very early American involvements which led us into the quagmire of Indochina. In these critical days it is perhaps useful and necessary to review the history of the case, to publicize it widely so that we might have informed debate and, hopefully, to learn from errors of the past so that we may be better prepared to avoid these errors in the future.

It is in that spirit of participating in a democratic, educational, nonpartisan search for the truth and for wisdom that this testimony is respectfully offered to the Senate Committee on Foreign Relations. I have long been a critic of western intervention in Indochina, but I would not accept to be qualified as a "dove". Nor would I call anyone who opposed my views a "hawk". These are fundamentally terms of contempt. I am no kind of a bird. I am a man, a citizen of the United States, possibly wrong-minded but completely sincere and highly patriotic in my opposition to a tragic policy that has long taken far too much of our blood and treasure. It is time to leave the aviary of politics and to work together as men above partisanship. It is in this spirit, too, that I thank you for the opportunity to submit this testimony.

Indochina is the name given to three countries linked together by cultural and political ties imposed by other powers. The countries are Laos, Cambodia, and Vietnam. They were called "Indochinese" because their languages, customs, food were deeply influenced by the Chinese, their neighbor to the north, while their religions, ethic, philosophy were deeply influenced by India, their neighbor to the west. Politically and administratively they were linked together by the imposition of force in the French Empire, which created the entity known as "French Indochina". What was generally forgotten in the centuries of cultural, political and military imperialism was that the peoples of these territories were not French, or Indian, or Chinese and that they did not want to be anything but themselves. Furthermore, they fought against their conquerors for two

thousand years, and fought among themselves for centuries.

The indigenous peoples of Cambodia, the Khmers, were once themselves a powerful, if smaller-scale, imperium that conquered large areas of the present territory. They were defeated by the Vietnamese, a more vigorous, expanding people. As a result of these centuries of conflict there are deeply rooted ethnic and tribal rivalries, fears, even hatreds. They have long been dormant, but we have seen in April of this year how ready hate is to burst forth, in the massacre of hundreds of innocent Vietnamese villagers living in Cambodia. It is evil and dangerous to reignite the past as the regime of General Lon Nol has done, aided and abetted by South Vietnamese and American military penetrations of Cambodia. Even unwittingly we are guilty of contributing to these blood-lettings by our ignorance of the history, geography and anthropology of the area. As for Laos, one authority has said "It is more a notion than a nation." There never was a cohesive, viable, administered nation of Laos, but rather a collection of villages and peoples of many different ethnic strains, until the French Empire created the artificial state of Laos for imperial administrative convenience. American intervention, uniformed and overpowered, cannot, should not assume the task of "nation-building" in that friction-ridden, unstable area. The French never succeeded in a century and more of efforts. The Chinese fought and failed for a thousand years. Indochina is a morass and the deeper we penetrate the deeper we will sink.

Our first, direct involvement, in that part of the world, came during World War II. The French imperial officials in Indochina rallied to the flag of the fascist State of Marshal Petain, refusing to rally to General de Gaulle and the Free French. Petain allied himself with Hitler and Tojo, so Indochina became enemy territory. Some Indochinese, notably the Vietnamese, the bravest, toughest fighters of the region, went into the underground to fight the French and the Japanese overlords. Most of them were not communists, but the most effective guerrilla forces were led by a veteran communist revolutionary, Ho Chi Minh. The circumstances of war had allied the United States with the Soviet Union and with communist-led nationalist forces around the world. We, therefore, sought and found cooperation with the partisans of Ho. General Gallagher, Major Patti, other American officers and agents of the Office of Strategic Services, made contact with Ho in his hide-outs in the limestone caves of North Vietnam. They brought him communications equipment, and the American cigarettes that he chain-smoked. In return he furnished intelligence on American troop movements and his men organized rescue teams for American pilots shot down over the area. Our agents told him about the Atlantic Charter and Roosevelt's goal of self-determination for all subject peoples. We made no secret of our belief that we were not fighting to restore the French and British Empires. Many men around the world, the Sultan of Morocco, David ben-Gurion in Palestine, Tito in the hills of Yugoslavia—Moslems, Arabs, Jews, Communists—all rallied to the American cause and believed the American promise of independence and liberation.

I knew and interviewed all of these men, some during the war, others immediately afterwards, and I was struck by their faith in America and their hopes for the post-war world. It is a tragedy that we were unable, more accurately unwilling, to be the standard-bearer of all these peoples, their chief inspiration, as I believe we could have been. When I first met Ho Chi Minh in Paris in the early summer of 1946, one of the first things he asked me was whether I could induce Washington to give him a visa

so that he could go to see Truman and ask for help in achieving independence.

I questioned the Paris Embassy about this and was told that it was out of the question, for we would appear to be interfering with French affairs. I recall today my dismay at this answer. Why should the affairs of Vietnam be considered a French zone of influence not to be entered by the United States?

The French had been technically allied with but actually dominated by Hitler in Europe and the Japanese in Vietnam. In March of 1945, the Japanese swept away even the fig-leaves of French control, interned the French, disarmed them, and took over Vietnam as their own colony. The so-called Emperor of Indochina, Bao Dai, a French puppet, immediately denounced his old masters and acclaimed his new lords, the Japanese. The French Empire and any legal or moral French claims to the territory came to an end in the alliance with the Axis and the conquest of the Japanese. The war aims of the United States encouraged the peoples to believe they would be free when their conquerors were defeated. Yet, in 1946, the State Department took the position that Vietnam was a French affair in which we should not interfere, despite all the intervening changes of war and defeat.

When the Japanese were defeated, and the French in Vietnam still disarmed and interned, Ho Chi Minh, leading the resistance forces of liberation, emerged from the underground, assumed power in Hanoi, in the name of the Vietnamese people, and read aloud to them, in September, 1945, a Declaration of Independence which states that "All men are created equal" and furthermore that "All men are born and remain equal". The first phrase was translated from our own Declaration of Independence and the second from the French Revolution's Declaration of the Rights of Man. By so doing, Ho was informing the Americans and the French that he expected them to live up to their own basic, founding principles. Also, as a communist, avoiding all marxist slogans, he was subtly informing the Russians that, although a communist, he was primarily a nationalist and that he meant to be completely independent. The Soviets apparently recognized the heresy, for they refused to send him any help and refused to recognize his newly proclaimed government. It was a moment of maximum opportunity for the United States to open up friendly relations with Ho Chi Minh. But we refused the opportunity, refused to give him a visa, refused to deal with him at all.

There was great confusion and many conflicting currents swirling around Vietnam in the immediate post-war period. The Allied Powers had agreed on temporary zones of responsibility, for the disarming and internment of the Japanese. The zones divided Vietnam into two, at the 16th Parallel, with the Chinese forces of Chiang Kai-Shek charged with establishing allied order north of the Parallel and the British, under command of General Douglas Gracey south of the Parallel. Their orders were to occupy the territory, disarm and intern the Japanese. London specifically ordered Gracey not to interfere in the internal affairs of the country. A minimum of Allied Military Government was needed, both in the North and South, to maintain security and public order, until the issue of whose law was to govern was settled.

The situation in the North was quickly established by Ho Chi Minh in Hanoi. Chiang's troops had no interest in law and order. As the Chinese had done for millennia, they were busy looting and enriching themselves. Ho, as all Vietnamese, knew how to deal with the Chinese. It was simply a matter of raising enough money to buy off the commanding officers to get them to withdraw.

The situation in the South was different. It was the seedling of the present tragedy. One does not buy off a British Commanding Officer. General Gracey, like most military men, was most concerned with order, in the first instance, and, in the second, with protecting the lives and properties of the white, western residents who came to him begging for aid, fearing the vengeance of the Vietnamese. Gracey did not consider that Ho's partisans were freedom-fighters, but rather dangerous revolutionaries. But Gracey did not have enough British soldiers to maintain security and order over a broad territory. So, he released the interned colonial French and also released thousands of Japanese prisoners and, in violation of Allied directives, rearmed the enemy troops and used the colonial French and Japanese as police and security troops, in the name of law and order in an emergency.

This infuriated the Vietnamese but it also angered the Allied Commander-in-Chief, General Douglas MacArthur, who fired off a protest to Washington: "If there is anything that makes my blood boil, it is to see our Allies in Indochina and Java deploying Japanese troops to reconquer the little people we promised to liberate. It is the most ignoble kind of betrayal."

Much blood and treasure have been spilled as a result of that "ignoble betrayal", the first of many betrayals since then. Gracey's betrayal created, in embryo, the artificial rump State of South Vietnam, partitioning the country, against the wishes of the great majority of the people, and most of the leaders. There were, to be sure, some Vietnamese who had become rich as collaborators of the French and the Japanese, as well as military men who had fought in the ranks of the French and would fight again with the French against their own countrymen, against the independence of their own country, including men like Thieu and Ky. In any case, without any authority to do so, General Gracey put the French back in charge of Vietnam, south of the 16th Parallel and refused to recognize the validity of Ho Chi Minh's Declaration of Independence.

Ho consolidated his political power in the North but the Chinese occupiers remained in physical control of the territory. Ho knew he had to get the Chinese out before he could do anything about dealing with the situation in the South. He knew he did not have the strength to drive the French out. He would have to negotiate them out and the only way to do that was to be master in the North and then offer them an overall new deal for the whole country. He called for a "Gold Day", had his people turn over all their monies and valuables and concluded his deal with the Chinese generals, who began a withdrawal. He was helped by the fact that the Chinese had troubles of their own at home in a contest for power between Chiang and the forces of Mao.

In general elections, in the North, he was easily, almost unanimously elected President of Vietnam. It was no contest. Not that it was a rigged election but because he did not have to rig it. He was the leader of the independent forces, a kind of communist George Washington. I am sure that the phrase rings strangely in American ears, but any Englishman would understand it.

Meanwhile, in the South, the British and American Navies had helped transport expeditionary forces of de Gaulle's Provisional Government, our ally in Europe. Betraying Roosevelt's promise of liberation, we helped imperial forces reestablish themselves, not only in the south of Vietnam but in Cambodia and Laos. The Cambodians and Laotians, a weak, unwarrior-like people, had no great resistance leader of their own and were powerless to prevent the return of the French.

The French knew, however, that they could not easily move back into the north,

where Ho's resistance fighters were entrenched. They, therefore, had good reason of their own to negotiate with Ho, just as he had reason to negotiate with them. These negotiations resulted in the Convention of March 6, 1946. It is a key document in the history of the case. In that Convention, the first clause stipulates that "the French Government recognizes the Republic of Vietnam as a free state, having its Government, its Parliament, its army and its finances, and forming part of the Indochinese Federation and the French Union." It should be noted that, at this time, there was no Indochinese Federation and no French Union. There was not even a valid, legal French Republic, for the French had not yet drafted and voted for their own new Constitution of a Fourth Republic. It was made clear that Ho could not be bound by an agreement to join a Federation or a Union not yet existent. It was a statement of intent to so join, dependent upon agreement with the rules, regulations and natures of the future entities. But there was no misunderstanding about the French recognition of the existence of the Republic of Vietnam. Note that it was not called "North" Vietnam. Simply Vietnam.

The future of the territories below the 16th Parallel, occupied by the French, was provided by a Convention clause which stated that a referendum would be held to determine the wishes of the people living there. Note the phrase in the Convention: "the decisions of the people". There was no reference to another government or power. There was no South Vietnam. Ho was President of Vietnam. The only question concerned the extent of the territory of that Republic, according to the decisions of the people, in a referendum. Ho agreed to this without any fear of how the people would vote. The French agreed, for they had no intention of ever holding a referendum. They knew, and frankly admitted it to foreign correspondents in Saigon and in Paris, that the vote, if held, would be overwhelmingly for unification of all Vietnam. It was the first but not the last betrayal of western promises to hold referenda or elections for self-determination. The noble concept self-determination is a mockery in Vietnam after the betrayals of the Convention of 1946 and the Geneva Accords of 1954.

Following the Convention, the French invited President Ho Chi Minh—and note that they referred to him as President, without challenge to his title or to the existence of the "free state"—to come to Paris to discuss the nature of the proposed Federation and Union. Ho came in June, 1946. General de Gaulle, in January of that year, had resigned as Premier of the Provisional Government. The French were still quarreling over the nature of their new Constitution. De Gaulle opposed the draft and called upon the French people to vote against it. Thus it could be said that Ho's Republic existed as a legal entity and France's did not. In any case, there was no Federation or Union of any kind.

In the course of the negotiations Ho soon discovered what the French had in mind. They wanted to be in charge of national defense, of the economy and world trade and diplomacy. In other words, as he put it to me after one angry session at Fontainebleau, where the conference was held: "They are willing to give me unconditional authority for streetcleaning, and little else." Weary and disillusioned by September, under mounting pressure from his own young resistance leaders, he broke off negotiations and left Paris, telling me, in an interview I did with him at the time, that the French were planning an imperial reconquest and that before I saw him again war would have broken out.

His prophecy was confirmed in November, 1946, when, in a clash at the customs-shed in Haiphong, the French Navy opened fire

and killed tens of thousands of people. The French Admiral reported some 10,000 dead. Foreign observers claimed 40,000 massacred by naval guns. Whatever the true figure, it was a bloodbath by an imperial power. Ho began to reorganize for renewed guerrilla fighting. He was not strong enough to face the army of a white, western, industrial power in open, classic warfare, at least not in the winter of 46-47. His forces struck at French positions in Hanoi, in December, then he disappeared back into the underground and the caves where he had fought the Japanese, to prepare a new war of liberation and independence as the fateful year 1947 dawned.

1947 was the watershed year of modern history, the year the Cold War erupted, a year of crisis that laid down the pattern of all the major conflicts which were to tear the world apart, and still threaten World War III today almost a quarter-century later. Early in 1947, the war in Vietnam began in earnest. Early in 1947, General Marshall, denouncing both the communists and the corrupt "Kuomintang", despaired of his mission and left China, and the Chinese civil war heated up to reach fever peak by June. Early in 1947 the British announced that they would give up their mandate in Palestine, a move that led to the terrible tragedy of the Middle East today because of what the great powers failed to do when the British pulled out. And early in 1947, the British informed Washington that the great blizzards had virtually paralyzed and bankrupted the nation, that Britain could no longer maintain her commitments to Greece and Turkey. The Moscow Conference of the Allied Powers on postwar Germany was deadlocked and breaking down. Greece, Turkey, Germany, the Middle East, China and Vietnam all bursting apart, with the former wartime allies Russia and America splitting irrevocably, that was the stark historic drama of the year 1947 in which began the war in Indochina that was to destroy the French Republic and so shake the Republic of the United States that we have not been so divided since the worst times of our history, the Civil War.

No one, hawk or dove, can sincerely dispute the fact that the war in Vietnam began in 1947 as a war of imperial conquest by a western power, France, with no moral or legal right to intervene in Asia. There was no government in Saigon that asked the French for help. French imperial pro-consuls ruled in Saigon without even the pretense of a government there. The Emperor, Bao Dai, had first denounced the French in March 1945, to join the Japanese, then, as a revolving puppet, he denounced the Japanese after their defeat, and abdicated his throne to join Ho Chi Minh as an advisor to the new independent government. Later he was to flee to Hong Kong, then to the French Riviera, then back again as a puppet of the French once more. There was no legitimacy to Bao Dai after successive service to the French, the Japanese, Ho Chi Minh and the French again. There was only one indigenous Vietnamese authority and it was the independence movement of Ho Chi Minh. That he himself was a communist may be regrettable in American terms but it does not invalidate his claim to national leadership any more than it did in the case of Tito.

In many ways, Ho was the Tito of Southeast Asia. Like Tito, he had been a longtime international communist agent. Like Tito, he was also, foremost, a nationalist ready to fight for the independence of his country, even against communist powers if need be. Tito broke early with Moscow and the Eastern European bloc. Ho was never a member of any kind of a bloc. There was no Red China in 1945 when Ho created the Republic of Vietnam. Russia did not recognize Ho or give him any aid. Soviet strategists were concentrating on the subversion of western Europe and French Communists were in the

French Government. Americans have forgotten, if any ever really were aware, that the French Communist Party, in 1945, under de Gaulle, supported France in its actions against Vietnam and continued to play a "patriotic" role, so-called, in 1946 as part of a campaign to win power in France. Ho and his people stood alone against a French aggression in their country. Our leaders talk always of communist aggression, and there have been many such cases, but Vietnam is a case not of communist aggression but of western aggression.

The French aggression in Vietnam was supported by the United States, so we must share the guilt. We broke our promises and abandoned our traditional principle of anti-colonialism, as we have occasionally done before in our history, in Central America, in the Philippines. In the distant past it was done in our own name, but this time in support of an imperial power, France. The reason seemed clear to me at the time. It is to be found in the context of the turning-point year, 1947, in the heart of the Truman Doctrine. We were so concerned, and rightly concerned, about the vacuum of power in Europe, and the threat to Greece and Turkey, and the growing strength to communist parties in Italy and France that we had to move fast to meet the challenge. But, as we have so often done in our pendulum-like ways, we over-reacted. After years of almost total isolationism we swung to almost total interventionism. From refusal of entangling alliances we leaped to global entanglements, from world spectator to world policemen, from 1947 to date.

I was one of those Americans who supported Truman's call to action in the Marshall Plan and NATO, that is the rebuilding of war-torn European economies, to support viable democratic regimes behind a military shield. I thought then, and I think now that this was an enlightened policy in western Europe. I thought then and I think now that it was the most tragic and absurd of errors to make a "Doctrine" out of a specific challenge, to think that what was right for western Europe would also be right and, indeed, workable in southeast Asia. I was deeply offended, as an American, when a fine man like Hubert Humphrey charged that we, who opposed his policies in Asia, but had supported them in Europe, were racists. One is not a racist simply by recognizing differences of context between western, christian, industrial Europe and eastern, non-christian, rural and underdeveloped Asia.

Europeans, in the west particularly, share our general systems of thought and ethics; they equal our own skills and developments. We could work out a partnership with Europe and apply our western, technological systems and values there. But we could not and cannot do the same in Asia. SEATO never could be the equivalent of NATO and is not the equivalent, not even in its language. But we pretended that it was the equivalent. Our leaders deluded themselves and thus deluded their fellow citizens by the sweeping globalism that evolved out of the Truman Doctrine. All our leaders share in this bipartisan delusion: Truman, Acheson, Eisenhower, Nixon and Dulles, Johnson, Humphrey and McNamara, Nixon, Agnew and Laird, etc., etc. There have been many clear voices and minds in government and in Congress which say through this delusion but many, too many, who did not. Not only among political leaders, but business, labor and, to a shocking extent, the academic world all contributed to the blunders that have cost us so much blood and treasure as we sought, basically, to draw upon our shoulders the mantle of the British and French Empires, perhaps not in an outdated colonialism but certainly in the projection of our influence and ideas upon the world, in a new kind of political imperialism.

We placed Britain as guardians of Greece

and Turkey. We also became the guardians of Britain, France and all of western Europe. And we assumed many of the burdens they had put upon themselves. British imperialism used to talk of the "white man's burden", a self-righteous phrase, since the blacks did not ask the whites to assume their burdens for them. In French imperialism, the phrase was translated into "the civilizing mission of France", a mission of imposing one nation's view of civilization upon others. We justify our inventions in the name of a democracy, not fully practiced in our own home states, and not compatible with many of the societies into which we try to import our notions by armed force. We are adept at inventing slogans and striking attitudes to cloak the reality of our interventions. In his news conference of May 8, 1970, President Nixon described our role as "peacekeeper in southeast Asia". It is startling, in the midst of one of the most violent of wars, to hear the most powerful antagonist describe himself as a peacekeeper. Yet Mr. Nixon did say that if we were to pull out of Vietnam we would be finished in our role as peacekeeper. Finished? I would suggest to the distinguished senators that we never began in the role of peacekeeper and could hardly be expected to finish what we never started or practiced.

We began our role in Vietnam in the second World War as liberators. We then switched to support of imperialism in the French pursuit of reconquest. From 1947 to 1954, when the French-Indochinese War ended after the defeat of the French in Dienbienphu, we citizens paid, you senators appropriated, more than four billion dollars of aid for France in pursuit of the mirage of victory over the communists. There was no charge of aggression during that war. There was no country of South Vietnam. The French did not permit the creation of a Republic in South Vietnam. It was a French puppet regime controlled wholly by the French who carried out a series of pseudo-negotiations with the whirling dervish "Emperor" Bao Dai, annual winner of the "Puppet of the Year Award", bestowed by anyone in power. Was this the role of a peacekeeper?

The French, with American support, were trying to put down an independence movement, to reconquer a colony. The majority of the Vietnamese people, beyond any doubt, given a free choice of self-determination, would have chosen their own government, with the French departing from the country. No one, not any major official I have ever interviewed or read at the time, doubted that Ho Chi Minh would have won a general election under any rules. Certainly there were Vietnamese collaborators of the French. Most countries have produced their Quisling traitors in wartime. Many Vietnamese certainly did not want to live under communism, just as many Yugoslavs were not and are not communists. But there can be no doubt about the majority sympathies. The French Army knew where sympathies were, for the people aided the guerrillas and resisted the French.

This war began in 1946, when there was no Red China, and without Soviet support for Ho. It was fought in 1947, 48, 49 under the same conditions. Only in January, 1950, when Mao had driven Chiang off the mainland, did communist China become a factor in the war. The absurd domino theory, which holds that wars of liberation, generated by China, will spread if we do not stop them, overlooks the fact that the Vietnamese Liberation War began almost four years before communist China came into existence. Or, perhaps the theorists would argue that the little Vietnam liberation war toppled the Chinese giant into the red domino camp? Twenty years have gone by since China became a red domino and not one country in southeast Asia has gone the domino route. Not after twenty years. Yet the same domino

theory is put forward even today by official spokesmen on the highest levels, without any data to substantiate it, and without regard for the fact that it is the domino "theory", not the domino "law of politics".

Erroneous and unprincipled as was American support for French imperialism in 1945-50, our policy became actively, directly interventionist following the defeat of Chiang. Secretary of State Acheson, in January, 1950 stated that the act of recognition of Ho by Red China tore away the veil of nationalism and revealed Ho in his "true colors" as a servant of international communism." Acheson, a brilliant man, must have known better. Recognition is not a process of alchemy. Would any of you agree that our recognition of the military fascist regime in Greece makes America fascist, or Athens a democracy? Mao had excellent reasons to offer, and Ho to accept, his recognition and support, but it did not change Ho into a servant of China or Russia as subsequent events have demonstrated. Although Moscow and Peking are at odds with each other, Hanoi has received aid from both without committing itself to either, as Washington itself admits. Yet it was on the basis of this false assumption and accusation of Acheson's, that the United States began a direct military aid assistance program to France in its colonial war in Indochina. It was but one of many false assumptions that have led us from toe, to ankle, to thigh and hip-deep in the quagmire.

We had a chance not to get involved further when the French sued for peace in Geneva in the spring and summer of 1954, during and after the fall of Dienbienphu. It was during the battle, in its last weeks, in April, 1954, that Vice President Nixon, in a speech to a newspaper editors conference, publicly proposed sending American troops in, if necessary, to save the French. Nixon was the first, leading interventionist of this nation. His proposal was opposed, ironically, by the then Senate Majority Leader, Lyndon Johnson, and sharply overruled by President Eisenhower. It is not true to claim, as Johnson so often claimed, and Nixon has reiterated, that they are only carrying out the pollution of their predecessor, President Eisenhower and Kennedy. Eisenhower rejected military intervention in Vietnam. Kennedy boosted the ante to armed "advisors", but neither one advocated direct, military, ground troops or air and navy bombardment interventions of the United States. Neither one, at any time! This distinguished body of senators knows the record on this issue, but the public might well be reminded of it in view of the repeated allegations.

We could have refused to support the French in 1947. But the Truman Doctrine and the need to persuade the French to join us in an anti-communist and anti-Soviet defense alliance in Europe led us to strike a bad bargain by aiding them in Asia. We should not have had to bribe them to defend their own homes with us. But our leaders let themselves also be persuaded by the French that they were conducting an anti-communist crusade rather than a colonialist campaign in Indochina. We could have joined in fully with all the other world powers in making the Geneva Peace Conference a reality that would end war in Indochina. But we did not do that either. Eisenhower did not want to make war in Indochina but Nixon and Dulles did not want to make peace with Asian communists. Dulles frankly told reporters in Geneva that he would not be a party to surrendering nations to communist rule.

I was one of those reporters at Geneva in the summer of 1954. I went there directly from Hanoi and Saigon after the fall of Dienbienphu. The Geneva Conference did not reveal the American delegation in any glorious role. Dulles dragged his feet as an unwilling participant, objecting to almost every

procedure and proposal, offering little constructive thinking of his own, finally abandoning his leadership role and leaving General Walter Bedell Smith, his deputy, to head up the delegation while he retreated back to Washington to avoid being a party to what he felt would be a defeat for the West. An honorable agreement to hold elections need not have been viewed as a defeat, but, in power politics, if the other side seems likely to win, then even honor is synonymous with defeat, or perhaps one might truly say that in power politics honor is not a fundamental issue. What counts is victory or the appearance of victory. Or the staving off of the appearance of defeat. These are power considerations not moral considerations. I am afraid that it is the power consideration that has dominated our policy considerations for almost a quarter of a century now.

In this the freest nation in the world, with the most highly developed communications systems, it is astonishing to note how very few Americans know what happened in Geneva in 1954, and how very few, much less than one percent, have ever read the military accords, the International Control Reports, or even the brief, two and a half page political accords which concluded the peace talks at the end of July that year. Washington propaganda alternates between charging that the communists violated the accords or stating the United States was not a "signatory" to the accords. The two half-truths add up to a serious distortion, practically a falsehood.

Let us consider first the statement that the United States did not sign the Geneva Accords, a classic case of a seriously distorted truth. America did not sign, that much is true. But neither did anyone else. The Accords were accepted verbally by the powers, including the United States. The reason is interesting. Dulles had told his friend British Foreign Secretary Anthony Eden that he could not sign what might be considered in American politics a surrender document, particularly not with his signature next to that of the Red Chinese Foreign Minister. Eden, a skilled diplomat, resorted to the device of reading the accords aloud and asking each power to speak to them. This has as much force in international law as a signed document, but there is no politically embarrassing piece of paper for anyone to brandish with Dulles' signature on it. That is why it is true but false to say that the U.S.A. did not sign. It implies we refused to accept the accords and that is untrue. We were, however, reluctantly and grudgingly a party to them. Under-Secretary Smith was present, officially took "note" of the accords, said we preferred UN supervision to International Control Commission authority over elections, and then concluded the meeting by officially thanking both Eden and Molotov of Russia for their role as co-chairmen, in making these agreements possible." That is the full truth.

Most professors of international law consider this to be binding upon the United States. Many point out that, even if it is not considered binding by Washington, this does not automatically give Washington the right to violate the accords or to intervene with force in Indochina. That right can only be debated at the Security Council of the United Nations. Since Johnson and Rusk did not go to the Security Council to charge aggression and invoke the right of self-defense, or the violation of previous accords, the United States can be charged with having itself violated both the Geneva Accords and the Charter of the United Nations.

The Geneva Accords essentially provided that general elections for the reunification of all the territories of Vietnam should be held instead of a continuing test of military force. The communists, that is the legal government of Hanoi, although militarily victorious in a decisive battle, and able to fight on

to total victory over a war-weary French, agreed to lay down their arms, cease hostilities and accept the decision of the people at the polls. That was a most conciliatory and honorable agreement.

They further agreed to accept a very temporary "demarcation line", at the 17th Parallel, to separate the contending armies, create a demilitarized zone in order to bring about the conditions of calm that would permit elections to be held by the summer of 1956. That, too, is an honorable proposition, consistent with American principles. One might quarrel about the nature and rules of a general election under the circumstances. But, significantly, no one did raise this issue.

The communists were not told that we did not trust elections in which they were involved. They were told clearly: stop fighting and you can have elections. It was further provided that representatives of the two "zones," north and south, would meet in the summer of 1955 to work out electoral procedures. Note that the reference was to two "zones" of the one country, Vietnam, and not to two different countries, as American officials later pretended. The Accords specifically ruled out consideration of the demarcation line or demilitarized zone as "frontiers." "In no case", the text reads, were these to be national frontiers, but only administrative truce lines. It is vital to get this clear in consideration of this case. This is, along with other data, clear proof that the conflict was a conflict of a civil war nature, between the North and South of one country, with the North being led by native forces and the South dominated by a foreign imperial power and its servants. That is the whole truth about this history event in Vietnam.

Separately from Vietnam, it was agreed that Cambodia and Laos were to be restored as free, independent nations, neutral in foreign policy, not members of any bloc. Thus did the long war in Indochina seem to come to an end with honorable political agreements. They were not perfect agreements, not crystal-clear in every paragraph, overlaid with ambiguities, but the central issue and intent were clear enough: let elections decide in Vietnam and let foreign powers leave Indochina to work out its own destiny.

In fact, appearances were deceptive, because the mightiest of all foreign powers, the United States, was determined to have its say about the destiny of former French Indochina. China and Russia were only too happy about events. They had no plans to intervene, for as the spokesmen made quite clear to everyone in Geneva, they feared that their intervention would provoke and justify an American intervention. Besides, they did not have to intervene. They were confident that Ho Chi Minh would win, and although he might not have been their loyal servant he was infinitely preferable to an American puppet in place of French puppet.

The American intention to intervene was made clear by Washington's denunciations of what had happened in Geneva, plus Dulles' frantic efforts to create a new alliance, the Southeast Asia Treaty Organization, SEATO. It was a misnomer from the start, since the major nations of Asia were not members, and it was clearly a western-led bloc, precisely the kind ruled out at Geneva. China and India, the two biggest nations in Asia, indeed in the world, and direct neighbors of Southeast Asia, were not members. The biggest, richest single nation in Southeast Asia, Indonesia, refused to join SEATO. But Australia, America, Britain and France, all white, western nations did join. Vietnam, barred from membership by Geneva, was "covered" by a Dulles legal stratagem which designated it as a "protocol state" protected by the treaty. But as most of you gentlemen know, indeed many of you ratified

that treaty, it did not provide any direct, unqualified commitment for the defense of the area. It provided for action taken individually, under each member state's constitutional process, or for consultation among the members.

Secretary Dulles, in testimony, before this Committee, assured Senators Green and Cooper, under their questioning, that it was definitely not a commitment to go to war in defense of South Vietnam, or, in fact, to take any action in defense of South Vietnam. Yet it is this very treaty, which the Senate ratified with those assurances, that has been invoked over and over again by the Johnson and Nixon Administrations. The very fact that President Johnson asked the Congress to grant the Tonkin Gulf resolution is itself evidence that he felt he lacked authority under the SEATO Treaty.

To carry out such an imperial policy, one must have a native standard-bearer, and one was quickly found, even during the Geneva talks. It being apparent that the talks would end with an agreement to hold elections, it was necessary to find some southern Vietnamese who had not been a colonial puppet of the French and who could be relied upon to be favorable to collaboration with the West. The man was found: a catholic mandarin, named Ngo Dinh Diem, who had broken with the French and sought exile first in the United States, later in Belgium. He had been brought here by Maryknoll missionaries, endorsed later by Cardinal Spellman, publicized by a Michigan State professor and an American lobby, the "Friends of Vietnam", among whose members were several distinguished liberal anti-Communists, such as Arthur Schlesinger, Norman Thomas, and others.

Thus the case is not one of some right-wing plot, but rather a case of many Americans, from right to left, joining together in fear of Asian communism, and to a great extent huddling together under the attacks of Senator Joseph McCarthy who had become a powerful national force in the early fifties. They failed to realize that communism is not monolithic in Asia or in the world, and that the challenge of communism in Asia could not be met successfully, legally or morally by direct American intervention in Vietnam. Vietnam is not the great Asian communist power. China is. And Vietnam ought to have been considered more as a bulwark against China, under its own leadership, rather than as an American base for containing China. But to many good men this was not as clear in the fifties as it later became to some of them.

Ngo Dinh Diem refused to accept the Geneva Accords. He refused to carry out the provision which called for a meeting of an electoral commission in June, 1955, announcing, instead, that he would not be a party to the holding of elections. The United States, which had not objected to the principle of elections one year earlier, endorsed Diem's refusal to hold elections. We further confirmed his decision to renounce Emperor Bao Dai and proclaim a Republic of South Vietnam. This effectively cancelled out the clauses providing for two zones to be reunified, and ran contrary to the declaration that the 17th Parallel was, "in no case", to be considered a frontier. We supported the wrecking of the Geneva Accords, indeed rejoiced over the wreckage of the peace agreement.

President Eisenhower, unwilling to send troops, let himself be persuaded to undertake some assistance programs. He sent a letter to Diem, on October 23, 1954, with the ink still wet on the Accords of July, offering an assistance program. At one point, later on, President Johnson brandished this letter as "proof" that he was only carrying on an Eisenhower policy. But there is no proof whatsoever in the text of that letter. Eisenhower only wrote that he had instructed the

American Ambassador to Diem "to examine with you"—note the uncommitted word "examine"—American aid given directly to your Government (which) *can serve to assist* Vietnam in its present hour of trial, *provided* that your Government is prepared to give assurances as to the standards of performance it would be able to maintain *in the event* such aid is supplied." (italics by editor)

Please note the italicized words: *can serve to assist*. This is the most carefully qualified and conditional consideration, in no way a commitment. It is followed by the most conditional of phrases "provided that". We might, said Eisenhower, help you in some way but only on condition that Diem were to assure his performance. And the words "in the event" clearly show that nothing had been agreed upon, Eisenhower went further and specially called for "undertaking needed reforms" in Saigon. And he promised no more than some economic, financial and limited arms aid, at the very best, if all conditions were met.

Well, gentlemen, that is not a commitment and you all know that the conditions were not met. The reforms were not carried out. Performance was not assured and was poor and anti-democratic. The Republican Party White Paper on Vietnam goes into great detail on this and flatly denies that Johnson was carrying out an Eisenhower commitment. Nobody can know this better than Eisenhower's own Vice President, Richard Nixon. Later, it is true, Eisenhower gave moral and political support to his successors. He was that kind of a man, with his own standards of the help an ex-President ought to provide. But he did not himself, as President, take a commitment to make war in defense of South Vietnam, and his successors did not carry out his policies of refusing to send American troops to South Vietnam.

From the day that Ngo Dinh Diem refused to accept the provision for elections it was clear that eventually there would be another military test of strength. The overwhelming majority of the people of North Vietnam were being consolidated into the communist regime of Ho Chi Minh. Many pro-communists remained in the South. Many non-communists, in the South, resented the continuing interference of western powers, first France, then the United States, and vigorously opposed the anti-democratic, autocratic one-man rule of Ngo Dinh Diem. As Diem became more repressive, and prisons and internment camps filled up, a revolution against him, led by non-communist, even anti-communist forces began to break out.

Ho Chi Minh's agents moved cautiously but soon began to warn Hanoi that if the communists did not endorse the revolution and move to steer and control it they might lose out. At that point, Hanoi began helping the anti-Diem forces, which formed a National Liberation Front. The International Control Commission in a series of reports accused all sides of having violated the Geneva Accords but specifically charged South Vietnam with the most violations. When the deadline of 1956 passed without elections, the Geneva Accords were virtually a dead letter. In any case the 17th Parallel no longer was an agreed demarcation line, for it had only been a truce line to be erased after the elections. There was no provision that it should become permanent and it was explicitly ruled out as a frontier. It is a serious distortion for United States spokesmen to claim that Hanoi is guilty of aggression and of crossing the 17th Parallel.

Hanoi does not recognize the existence of the Parallel as a frontier, nor do the texts. South Vietnam is not recognized by Hanoi, and many other countries, as a separate state although many others do recognize it, as sides lined up. It was created by Ngo Dinh Diem, who was brought out of exile and in-

stalled in office by France, with American consent and aid. But the creation of the Saigon regime is not an instance of self-determination by the people. Diem himself was assassinated in 1963 and succeeded in office by a series of self-appointed coup leaders, up to the current regime of Thieu and Ky, who did not emerge from the ranks of the people by any representative process, or even popular approval.

The United States kept increasing its aid to those who had seized power in Saigon from 1954 to date, from Eisenhower's minimal, non-military aid, to Kennedy's dispatch of so-called advisors, with the ambivalent statement in a CBS News interview in 1963 that we cannot abandon those people to the communists but cannot fight for their freedom for them, to Johnson's decision to bomb North Vietnam and then send American ground combat troops to a peak of more than a half million total forces in Vietnam.

Now we are living through the extraordinary ambivalent period of the Nixon policies which lay down the proposition that we can shorten the war by extending it into Cambodia and Laos. Mr. Nixon talks of Vietnamization in terms of shifting responsibilities to Saigon's forces but we have no firm date or even firm commitment for a total withdrawal of American forces. As I understand Vietnamization, and I sincerely hope I am mistaken, it means withdrawing most American ground combat troops, but leaving just enough to protect artillery, plus Navy and Air Force support. This seems to indicate a hard-core minimum of at least 150,000 American forces of all services to be involved indefinitely in Vietnam.

I am not familiar with any clear-cut plans for an eventual total withdrawal of all American forces. Even publicly announced plans remain uncertain. Mr. Nixon has promised to withdraw 150,000, perhaps more by next spring, but without a calendar of phasings, so that, in theory, no one need be withdrawn at all until next spring. Even then, the whole withdrawal plan could be cancelled because the President has warned that he would take significant and severe measures if there is a big enemy buildup or offensive. I cannot, therefore, with any confidence believe that the United States is preparing to withdraw rapidly, totally or even significantly from Vietnam.

But it is clear to almost all citizens, even to so determined a supporter of Saigon as Vice-President Agnew, that a ground war in Asia cannot be won. He said so in just those words on CBS "Face the Nation" only a few weeks ago. This war cannot be won, they admit, but the President also insists that he will not tolerate that it be lost. We will not be defeated he has told the American people in nationwide addresses. Thus he won't lose it but can't win it. Where does this leave us, losing blood and money and the faith of our children?

It leaves us with the necessity to extricate ourselves from a war we cannot win and will not lose. And we can so extricate ourselves, either by a negotiated settlement, or, failing that, by an unconditional total withdrawal after an agreed cease-fire that would permit us to leave without danger to dwindling forces.

A negotiated settlement depends, as everyone in Washington knows, on the creation of a new coalition government in Saigon, which will hold general elections for a new Assembly which would, in turn, choose a new government. Understandably the regime in power—Thieu and Ky—do not want to relinquish their power. The Viet Cong and Hanoi, which consider them to be traitors and military dictators, will not deal with them. If this situation remains frozen, as it seems most likely, then there can be no hopes of a negotiated settlement in Paris, unless we still believe that we can inflict new military defeats that will force the other side to nego-

tiate with our proteges Thieu and Ky. I, for one, do not share this illusion. I have covered events in Vietnam for a quarter of a century, have seen the mightiest forces thrown against them, without their bowing to our terms. I cannot believe that we can now make them yield, not when we are applying less force and are more and more divided against ourselves at home. I, therefore, submit that there is little hope left for negotiations.

This leaves the last choice of unilateral and total withdrawal. Many opponents of this view charge that if we do there will ensue a bloodbath. President Nixon has repeated this charge many times. I find this a strange argument. Can any bloodbath after our departure be greater than the bloodbath of war itself, which has taken a toll on both sides of a total of almost two million casualties, in dead and wounded, and more than three million homeless? What about the bloodbath in Cambodia where some 400 innocent bodies floated down the river of death? Or Song My and Hue and so many other bloody incidents on our side or theirs? Was there a bloodbath, as feared, in Algeria, Morocco or Tunisia when the French withdrew? In any case, is it not time to stop spilling blood by and of Americans?

I believe that we can arrange a cease-fire that would permit our units to withdraw in order and safety. The Viet Cong and Hanoi want us to leave and are not likely to make it difficult for us if we really are en route to getting all the way out. And I believe that it can be done honorably, with the enthusiastic endorsement of the American people and the cheers of the entire world, on the single condition that the initiative be taken by the President of the United States. The great majority of the American people want to end this war, just about any way, on condition that the President lead the way.

Many Americans do not want to oppose their President, particularly in a war. It is this attitude which falsifies all the public opinion polls. If the President blew the whistle the polls would show almost unanimous agreement with him. And I suggest that he can do so without looking like a "pitiful, helpless giant". I believe that he could do so in very few words, in a one-minute address to the nation. I have written such a one-minute speech and it is my dream that one day I will hear the President speak it. It is this:

"My fellow Americans, some five years ago our government took a commitment in Vietnam. It is important to understand the nature of that commitment. It was to aid the people of South Vietnam to organize themselves to resist a communist takeover by force. It was not a commitment directly, unilaterally and permanently to defend them, but only to bring them to the point of defending themselves.

"In fulfillment of that commitment we have sacrificed some 50,000 of our men who died there, almost 300,000 wounded and maimed, close to \$150,000,000,000 of our treasure, badly needed at home. At the same time, we have raised, trained and equipped their army of 1,000,000 men. My fellow Americans, our commitment has been more than fulfilled. No people can ask another people to do more for them.

"I say, tonight, to the people of South Vietnam, it is now up to you. We wish you luck and bid you farewell."

Distinguished Senators, I am convinced that a speech of this kind by the President would permit him, with the cheers of the nation and the world, to withdraw our men, under a cease-fire guarantee to protect their backs, at a measured rate of some 50,000 to 75,000 a month. This is not a rout. This is not a Dunkirk. This is not a humiliating defeat. It is a dignified, necessary disengagement after having subscribed and over-subscribed a commitment that should never have

been taken in the first place, as even most war-supporters agree.

It is also, I submit, the highest form of patriotism to oppose wrong policies and to try to extricate one's nation from a deadly quagmire. This issue of patriotism confuses many Americans. Our beloved flag is not a blindfold, on the contrary it should be a symbol of light and reason. It is time for us to reject the simplistic patriotism of a Stephen Decatur. It is not the highest form of patriotism to say "My country right or wrong." I far prefer the more intelligent and far-seeing patriotism of a former member of the Senate, Senator Carl Schurz of Missouri.

Senator Schurz was an angry opponent of our annexation of the Philippines. In 1899, he led the doves of his day to a great protest meeting in Chicago. From the rostrum he denounced the annexation as an imperial conquest unworthy of our great Republic, "the land of the free." A man interrupted him on the floor to call him a bad American and to throw Decatur's slogan in his face. His answer, which has become my own credo of high patriotism was this:

"My country right or wrong. But, when right to be kept right, and when wrong to put right."

That distinguished Senators, is what free men and women can do and must do. I thank you again for the privilege of addressing you and thank God that I live in a land still free enough for citizens to speak out even in the most dangerous times.

Mr. FULBRIGHT. Mr. President, I must say that this is just the prepared statement of Mr. Schoenbrun's. The entire record, including discussion of the committee members with Mr. Schoenbrun and Mr. Ellsberg, who also testified that day, will, of course, be printed as a committee document in the not too distant future.

OUR GOOD NEIGHBOR, CANADA

Mr. FULBRIGHT. Mr. President, I, along with many of my colleagues, especially in the Senate, who often meet with our neighbors to the north, the Canadians, have always been extremely interested in that country and in promoting the best possible relations with them.

As Senators know, by law, we meet with them annually, either in Canada or here, because it is of the utmost importance that we maintain cordial relations with our neighbor to the north.

Recently, Newsday published an article written by Clayton Fritchey, dealing with the subject of our relations with Canada, and emphasizing the determination on the part of the Canadians to maintain an independent foreign policy.

Mr. President, I believe it is well for Members of this body, as well as the country as a whole, to be aware of the fact that the Canadians are apprehensive about the influence of the United States upon their domestic policy, but more especially on their foreign policy.

I ask unanimous consent to have the article printed in the RECORD, which merely draws attention to the nature of our relationship, warning that we must be careful with regard to the way we treat the smaller countries of the world, particularly those on our borders—in this case, Canada.

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

STATE OF AFFAIRS
(By Clayton Fritchey)

OTTAWA.—During a debate in the House of Commons here earlier this month, the Minister of Finance felt compelled to protest that Canada was "not a satellite of the US," nor does it intend to be. "We have," he said, "an independent foreign policy."

This was no idle boast, as the events of recent weeks so clearly demonstrate. While the US has been automatically reaffirming its commitment to a rickety and near-obsolete NATO, Canada has freshly reviewed its position and decided to reduce its NATO forces.

Even as the Nixon Administration was announcing another slash in the US foreign aid program (now the lowest in post-war history), Prime Minister Pierre Trudeau was budgeting Canada for a 17 per cent increase in foreign assistance, although his Government has also been making much of austerity.

No sooner had Nixon slammed the door on "building bridges to China," then Canada began to lay the groundwork for diplomatic recognition of Peking. If the negotiations are successful, Canada will probably support the admission of Communist China to the United Nations, and withdraw recognition of Nationalist China.

In the US, the Government is stepping up the prosecution of draft evaders, but, in Canada, the Government recently decided to grant "landed immigrant" status to US deserters, which means they can stay indefinitely, and later become citizens.

Finally, as the Nixon Administration prepares to launch the Safeguard missile system and possibly accelerate the arms race, the accent in Canada is on disarmament. Canada's foreign policy differences with the US are not capricious or willful. Even the casual visitor can see that they are dictated in general by national conviction, rather than by reaction to US policy.

It is not always easy for Canada to go its own way. As Trudeau has said, "Americans should never underestimate the constant pressure on Canada which the mere presence of the US has produced." Living next to the US, he remarks, "is like sleeping with an elephant. No matter how friendly and even-tempered is the beast, if I can call it that, one is affected by every twitch and grunt."

The Prime Minister's conclusion is that "it should not therefore be expected that this kind of nation, this Canada, should project itself onto the international scene as a mirror image of the US."

There is some question, however, as to how much the Nixon Administration appreciates the independence of its neighbor. Secretary of Defense Melvin Laird has already reproved Canada for planning to bring home from Europe some of its NATO troops, but if a powerful Congressional bloc has its way the US may end up following suit.

A resolution to that effect will soon be brought forward in the US Senate by Senator Mike Mansfield, the Majority Leader, and there is strong sentiment for it. Influential members of the Foreign Relations Committee believe it is time for Western Europe (plus England) to unite in its own defense, instead of depending indefinitely on the US to shoulder most of this heavy burden.

A reduction of American and Canadian forces could strengthen the hand of those Europeans who believe there is a new chance to achieve unity now that de Gaulle is out of the way. But there is little incentive to organize a new European defense community as long as the US continues to shore up NATO.

Hannah Arendt, the political philosopher, has noted that only small governments can still solve their problems, Canada, for instance, has no illusions about running the

world; nor is it haunted by anti-communist fundamentalism.

This modest, unemotional attitude is very appealing to American groups like the Clergy and Laymen Concerned About Vietnam, which met in Montreal a few weeks ago and issued a statement commending the Canadian people for their "determined independence of US policy in Vietnam," and for the welcome given to "Americans who cannot in conscience take part in their country's military adventurism." The statement even suggested moving the Statue of Liberty to Canadian soil, but so far there has been no rush to second the motion.

AMERICAN-SOVIET RELATIONS

Mr. FULBRIGHT. Mr. President, recently, a most interesting editorial by Norman Cousins was published in the Saturday Review, with regard to the attitude of Americans toward the Russians and vice versa.

I believe that it is well worth the attention of Senators to read, and I ask unanimous consent to have it printed in the RECORD.

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

SPACE AND SENSELESSNESS

Two American physicists recently attended a meeting in Moscow on space science and technology. They returned full of apprehension over the extent to which a spirit of arrogance and hostility toward the United States was reflected in Soviet policy.

The featured speaker at the conference banquet was the Soviet Minister of Military Aviation. Despite the presence of the American guests, the Soviet official called for a full program of anti-ballistic missile development by the U.S.S.R. He said Soviet intelligence had incontrovertible proof that the United States was well advanced with a maximum ABM missile program and that the Soviet Union was thus forced to speed up and enlarge its own ABM installations. In an icy, matter-of-fact manner, he proceeded to assert that Soviet planners were going to seize and maintain superiority over the United States—not just in anti-ballistic missiles but in the use of space stations and devices that could deliver a succession of nuclear bombs on a string of American targets.

The Soviet Minister ignored the forthcoming arms control talks between the U.S.A. and the U.S.S.R. He said nothing about the need for effective agreements between the two countries that could give security to both countries by forestalling a new and dangerous upward spiral in the world arms race. It almost seemed as though the Soviet Minister welcomed American ABM activity as giving Soviet military planners a good reason for enlarging their own power.

It was a chilling grim experience for the Americans, all the more since the dinner chairman had earlier declared that a basic purpose of the meeting was to promote a cooperative spirit among nations in the quest for world peace. Other speakers had addressed themselves to this theme, declaring that the exploration of outer space should rebound to the credit of all mankind, and that considerable emphasis should be given to common efforts in space by the U.S.S.R. and the U.S.A. This stated purpose, however, was completely shattered by the remarks of the Soviet military official.

The Americans came away heartsick. Before arriving in Moscow they had expressed strong convictions about the need for arms control talks between the U.S. and U.S.S.R., for they recognized that an intensification of the arms race carried with it no security

for anyone, only greater danger of war. But the kind of militaristic nonsense they had just heard reduced almost to the vanishing point the chances for a mutual and rational effort to slow down and reverse the world arms race. Nor were the Americans reassured the following day when several Soviet scientists sought them out to say they were sorry about what had happened at the dinner. The Americans said they were grateful to their Soviet colleagues but that they could not ignore or minimize the significance of the Soviet official's address, for they knew it would have been impossible for him to have said what he did unless it reflected current Soviet policy.

Fitting into the mood of the Soviet Minister's talk was an item in the Moscow press saying the Supreme Soviet Council had just decreed that, in the event of a landing on the moon or any other extraterrestrial bodies by Soviet spaceships, the only flag to be left behind would be the Soviet flag. The clear meaning was that the U.N. flag, with its world symbolism, was not to be planted on the moon.

What deeply troubled the Americans was not just the Soviet Minister's ABM speech or the anti-U.N.-flag news item, but the frightening implications of these events and what they portended for the chances of peace.

Now, there is just one thing wrong with all the foregoing. The conference took place not in Moscow but in Denver, Colorado. It was not the Soviet Minister of Military Aviation who was the main dinner speaker but the Secretary of the U.S. Air Force. The news item about the flag pertained to U.S. congressional declarations. The visitors were not American scientists but Soviet scientists. Apart from the transposition of the words "U.S.A. and U.S.S.R.," the facts are as stated above. The implications with respect to peace are the same. The human race is in jeopardy whenever power, insensitivity, and ignorance are joined together, whatever the national banner. —N.C.

ORDER OF BUSINESS

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

The PRESIDING OFFICER (Mr. DOLE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. 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 UNTIL TOMORROW AT 11 A.M.

Mr. FULBRIGHT. Mr. President, if there is no further business to come before the Senate, I move, under the order previously entered, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 3 o'clock and 8 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 9, 1970, at 11 o'clock a.m.

NOMINATIONS

Executive nominations received by the Senate, June 8, 1970:

DIPLOMATIC AND FOREIGN SERVICE

Dwight Dickinson, of Rhode Island, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Togo.