PRICE of Illinois, and Mr. PRYOR of Arkansas):

H. Res. 1088. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

By Mr. GALLAGHER (for himself, Mr. REES, Mr. ROE, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. RYAN, Mr. ST GERMAIN, Mr. SANDMAN, Mr. STOKES, Mr. TUNNEY, Mr. CHARLES H. WILSON, Mr. WRIGHT, and Mr. YATES):

H. Res. 1089. Resolution calling for a national commitment to cure and control cancer within this decade; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CULVER:

H.R. 18087. A bill for the relief of Raymond W. Quillen; to the Committee on the Judiciary.

By Mrs. GREEN of Oregon:

H.R. 18088. A bill for the relief of Lee Pak Yee; to the Committee on the Judiciary.

By Mr. McEWEN:

H.R. 18089. A bill for the relief of Thai David Moore and Thomas Allen Moore; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

406. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the feeding of needy schoolchildren, which was referred to the Committee on Education and Labor.

PETITIONS, ETC.

Under clause 1 of rule XXII,

511. The SPEAKER presented a petition of Beatrice Miller Montanye, Old Forge, N.Y., relative to redress of grievances, which was referred to the Committee on the Judiciary.

SENATE—*Tuesday, June 16, 1970*

The Senate met at 11 a.m. and was called to order by Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina.

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

O Lord of life and strength of our Pilgrim days, show us the way to rebuild our Nation in unity and strength, that we may be qualified to lead others in the universal quest for peace and brotherhood. When the way is dark, the next step uncertain, and courage falters, be to us our guide. Strengthen our institutions for today, renew our allegiance to "One Nation Under God," dispel our fear of the future, and with a wisdom which transcends our human frailties lead us to the promised day of Thy perfect kingdom, the law of which is love and the ruler of which is the eternal God and Father of us all, in whose name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 16, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ERNEST F. HOLLINGS, a Senator from the State of South Carolina, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, informed the Senate that the Speaker had appointed Mr. KEITH as a manager on the part of the House at the conference on the disagreeing votes of the two Houses on the bill (H.R. 14685) to amend the International Travel Act of 1961, as amended, in order to improve the balance of payments by further promoting travel to the United States, and for other purposes, vice Mr. CUNNINGHAM, resigned.

The message announced that the House had passed, without amendment, the following bills of the Senate:

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes; and

S. 2940. An act to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

The message also announced that the House had agreed to the amendments of the Senate to the amendments of the House 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.

ENROLLED BILLS SIGNED

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

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

S. 1479. 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; and

S. 2940. To amend the Act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, June 15, 1970, be dispensed with.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the order previously entered, the Senator from Oregon (Mr. HATFIELD) is now recognized for not to exceed 1 hour.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield without losing his right to the floor or having any of his time taken away?

Mr. HATFIELD. I yield.

ORDER FOR ADJOURNMENT UNTIL 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 a.m. tomorrow.

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

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Ohio (Mr. YOUNG), during the course of the transaction of routine morning business, be recognized for not to exceed 30 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.

CARTHA D. DeLOACH

Mr. MANSFIELD. Mr. President, I note in the press that there is a possibility that Mr. Cartha D. DeLoach, one of the associate directors of the FBI, will be leaving the Bureau later this summer.

I rise at this time only to express my deep regret and distress that this outstanding member of the FBI, a man of great integrity, ability, and experience, is leaving that organization after being such a close part of it for nigh on to three decades.

I hope that there is a possibility he will remain, to be of continued assistance to the present Director, J. Edgar Hoover, because if he goes, speaking personally—and I think I can speak for the Senate—he will be, indeed, sorely missed.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

SEARCH FOR PEACE IN THE MIDDLE EAST

Mr. HATFIELD. Mr. President, each day, we hear of the escalating violence and warfare in the Middle East. The precarious balance that many have relied on to control the hostilities no longer seems capable of deterring conflict and war.

Political conditions have dramatically deteriorated in recent days creating an even more intense polarization and a more insurmountable impasse between these divided peoples. The tragic plight of Jordan during these past few days only demonstrates the threats to the survival of the voices of reason and moderation in this troubled region.

At the beginning of this year, I took a 3-week trip to the Middle East in order to learn more fully the issues and problems confronting these peoples. Because of the critical escalation of tensions during these past days, I would now like to set forth my impressions and perspectives of this turbulent area of our world.

Any observations, however, cannot be accurate without examining them in the context of history. Consequently, I ask unanimous consent to have a compilation of the history of the Middle East printed in the RECORD at this point of my remarks.

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

HISTORY OF THE MIDDLE EAST

EARLY HISTORY OF PALESTINE

The original inhabitants of the area that was later to be called Palestine were the Canaanites and the Philistines; Semitic tribes probably from the Northeastern Arabian peninsula. These people, comprised of nomadic tribes, settled in the area in 3000 B.C. Some historians record that some 1200 years later Abraham, patriarch of the Hebrew people, led a small band of Jews into the area of Palestine, then called Canaan. When they saw that their small tribe could not contend with the tribes already warring for land in the area, Abraham's descendants led the people out of Canaan in 1600 B.C. into Egypt and settled peacefully in the Nile Delta for the next three hundred years. The Hebrew people remained unmolested by the Egyptians until the 13th Century B.C. when, with the ascendancy of Ramses II (1292 B.C.–1225 B.C.) to the throne in Egypt, a courvet (a system of forced labor) was imposed on all the able-bodied men of the lower classes, including the lower classed Hebrews. This system lasted until Ramses' death in 1225 B.C. This period in history is often called the Hebrew enslavement, although it must be remembered that every healthy man of the lower economic status in Egypt suffered the same fate. Biblical history tells us that Moses led the Hebrew people out of Egypt during the Great Exodus in the 12th century B.C. For some 40 to 100 years, the Hebrew tribes wandered in the Sinai desert until Joshua led the people across the Jordan river back into Canaan at the end of the 12th century B.C. The situation in Canaan had not changed much since Abraham had left the area in 1800 B.C. The tribes were still warring among themselves for land rights and grazing areas. In order to obtain their own piece of land, the Hebrews joined in the warfare and subjected the indigent tribes in portions of the land. The area of Canaan was governed for the next several hundred years by tribal organizations and rule of the Judges. Finally, however, in the 11th century B.C., a threat by the Philistines brought the tribes of Hebrews together and in 1030 B.C. they banded together as a Hebrew kingdom under Saul. Saul's son, David, succeeded him, and it was under David that the Philistines were finally defeated. David captured a Jebusite, a tribe of Canaan, stronghold at Jerusalem and established the first capitol of the Hebrew kingdom there.

Solomon succeeded David and was best noted for his establishment of the Temple at Jerusalem in which the Arc of the Covenant was placed. A hundred years after the establishment of the Hebrew Kingdom, in the year 930 B.C., the Jewish tribes began to fight among themselves and the kingdom was finally divided into two states, Judah and Israel. In 721 B.C., the northern state of Israel, composed of ten tribes, was defeated and its population dispersed by the Assyrians.

Then, as today, the Middle East was often in a state of turmoil with states rising and falling and boundaries constantly changing. Israel was under Jewish rule from the conquests of Joshua until the two remaining tribes of Judah were conquered by the Babylonians and the Jews were exiled in Mesopotamia in 586 B.C. Fifty years later the Jews were released from the Babylonian captivity and returned to rebuild their homeland, establishing at this time in 538 B. C. the second Temple at Jerusalem.

In 168 B.C., there was the revolt of the Maccabees against the Seleucids and then from 168 B.C.—63 B.C. an independent Hebrew state existed in Palestine. In 63 B.C., the Romans conquered the area and ruled until the Hebrew rebellion in 66 A.D. The second Temple was destroyed in 70 A.D. and the Hebrew revolt put down in 73 A.D. by the Romans.

Autonomous and independent governments controlled the Holy Land until the uprisings of Bar Kochba in 132 A.D. A temporary independence was won by the Jews by these uprisings, but Rome again defeated the Jews and restored Roman authority in 135 A.D. This final and forced relinquishment of Jewish sovereignty wrought great upheaval on Jewish life and the people spread throughout the world. But although the Romans were able to quickly destroy the Jewish state, the Jewish community lived on. Held together by their common body of customs, knowledge and beliefs, Jewish communities bound by their shared concept of their own history and destiny, refused assimilation in the nations to which they fled. They waited for a return to Palestine.

In 395 the land fell to the Byzantine empire, which held it under Christian rule until the coming of the Persians in the early years of the 7th century. The Persians were replaced by the Arabs and Islam in 639.

From 639 A.D. to 1071 A.D. Palestine was part of the Arab caliphate; between 1071 and 1561, Palestine was ruled by the Crusaders, the Seljuk Turks of Syria and Egypt, the Mongols and the Mamluks; and from 1517 until World War I the Ottoman Turks controlled Palestine and most of the Middle East.

Despite the historic claim the Jews lay to the land of Palestine, the Arabs constantly deny its validity. They point out that Palestine has been an Arab land since the 7th century. A large portion of the Arab inhabitants are the descendants of the Canaanites who lived in the country at the time of the Hebrew invasion in the 19th century B.C. and who remained there until the Jews left nearly 2000 years ago. The "continuous occupation" of Palestine by the Arabs is the argument advanced for support of their entitlement to the land. While the Jews have been going in and out of Palestine for some 3000 years, the Arabs assert the fact that they never left.

The Jewish claim to Palestine stems from a Biblical guarantee. God said to Abraham (Genesis XV:18): "I give this country to your posterity from the river of Egypt up to the great river Euphrates." This is the Jewish people's mandate from which their struggle for the land originates. The Arabs, too, have borrowed this argument and the opening article in the Arab section of *Les Temps Modernes* clarifies the "posterity" referred to in the Genesis passage to include the descendants of Ishmael, since he was the son of Abraham by his wife, Hagar, and the ancestor of all Arabs, Christians and Muslims. In today's material and secular world, much of this seems anachronistic, but then in many aspects this is, and continues to be, an anachronistic quarrel in which the Bible serves as guide.

THE RISE OF ZIONISM

In the late 19th century a wave of anti-semitism swept Europe and gave impetus to the longing for a return to the "homeland" of the Jewish people. A group composed of Jewish intellectuals met in Switzerland in 1897 and sought to promote the idea of a national homeland for the Jews. The leader of the group was Theodore Herzl, a Viennese Jew, who established the World Zionist Organization. The organization's goal was to create for the Jewish people a permanent homeland, preferably in Palestine, secured by public law.

Herzl did not deem it essential that the state be created in the Middle East, and urged the Zionists to accept a British offer to settle in Uganda. However, negotiations for the territory were not completed before Mr. Herzl died, and this proposal was rejected. Under new leadership, the goal of the Zionists became nothing less than Palestine. At the same time Arab nationalism, a wish to be free of the oppressive Turkish rule, began to develop at the turn of the century. These rival nationalisms of the Zionists and Arabs, were to conflict during the 20th century.

WORLD WAR I—"BROKEN PROMISES"

The First World War was a period of "broken promises" where both Arab and Zionist nationalists were deceived by the major powers. This did much to sow the seeds for the present impasse in the Middle East.

In the beginning years of the war, the Allies, unknown to the Arabs, concluded a series of secret treaties over the division of the Ottoman Empire, the most important of which was the Sykes-Picot Treaty of May 16, 1916, in which France and Britain divided the Middle East into their own spheres of influence. In 1917, however, the Bolsheviks published the secret treaties denouncing Russian concessions in these treaties and the Arabs were optimistic that with the statements made by Lloyd George and Bonar Law in 1917 and President Wilson's Fourteen Points, their territorial integrity would be upheld and the secret treaties denounced at the peace talks at Versailles.

During this time, the Zionists, anticipating that Britain would get Palestine after the war, presented a proposal to the British government requesting a separate unit within Palestine as a Jewish national home. On the basis of this report, and in order to gain the support of the Jewish people in the world after the war effort, Lord Balfour, the Prime Minister of Great Britain, issued the following statement on November 2, 1917:

"FOREIGN OFFICE,
November 2nd, 1917.

"DEAR LORD ROTHSCHILD: I have much pleasure in conveying to you, on behalf of His Majesty's Government, the following declaration of sympathy with Jewish Zionist aspirations which has been submitted to, and approved by, the Cabinet:

"'His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavors to facilitate the achievement of this object, it being

clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.'"

"I shall be grateful if you would bring this declaration to the knowledge of the Zionist Federation.

"Yours,

"ARTHUR JAMES BALFOUR."

The direct origination of the doctrine is often attributed to Dr. Chaim Weizmann, one of the most important early members of the British Zionist Organization and later first president of the state of Israel. Dr. Weizmann had materially contributed to the British war effort by discovering a new method of producing acetone and was thus able to gain the attention of the British Government in pursuing his Zionist aspirations. It has also been suggested by some historians that President Wilson and American Jews were shown the Balfour Declaration and agreed to its substance before the letter was mailed. The two arguments advanced during the war years for the Zionist cause were that (1) favoring the Zionists might bring the Jews of Germany and other central powers to the side of the British and indirectly help in the allied war effort, and (2) Christian charity toward a persecuted people was a noble and deserving cause.

HUSSEIN-MCMAHON CORRESPONDENCE

The circumstances were strange for the issue of the Balfour Declaration. When World War I started, Turkey declared a "Holy War" against Britain and France and appealed in vain to the Arabs to assist them against the allies. During the years of 1915 and 1916 Sir Henry McMahon, British High Commissioner for Egypt, completed negotiations with Hussein, Sharif of Mecca, for the support of the Arabs in the Middle East theatre against the Turks and the Germans. As a result of the Hussein-McMahon letters, the Arabs agreed to assist the Allies in return for "recognition and support of the independence of the Arabs in all regions within the limits demanded." When the Balfour Declaration was mailed in the form of a private letter to the Anglo-Jewish leader, Baron Lionel Rothschild, the Arabs had already declared themselves on Britain's side in the war and were fighting side-by-side with the British, believing their cause to be freedom and independence from the Ottoman Empire.

The following letters delineate the agreements that were made during the Hussein-McMahon correspondence:

GREAT BRITAIN PLEDGES TO SUPPORT ARAB INDEPENDENCE: THE HUSSEIN-MCMAHON LETTERS, 1915-1916, AS APPEARS IN "DOCUMENTS ON THE MIDDLE EAST" BY THE AMERICAN ENTERPRISE INSTITUTE FOR PUBLIC POLICY RESEARCH: NO. 1—TRANSLATION OF A LETTER FROM THE SHERIF OF MECCA TO SIR HENRY MCMAHON, HIS MAJESTY'S HIGH COMMISSIONER AT CAIRO

JULY 14, 1915.

To his HONOUR:

WHEREAS the whole Arab nation without any exception have decided in these last years to live, and to accomplish their freedom, and grasp the reins of their administration both in theory and practice; and whereas they have found and felt that it is to the interest of the Government of Great Britain to support them and aid them to the attainment of their firm and lawful intentions (which are based upon the maintenance of the honour and dignity of their life) without any ulterior motives whatsoever unconnected with this object;

And whereas it is to their (the Arabs') interest also to prefer the assistance of the Government of Great Britain in consideration of their geographical position and economic interests, and also of the attitude of the above-mentioned Government, which is known to both nations and therefore need not be emphasized;

For these reasons the Arab nations see fit to limit themselves, as time is short, to asking the Government of Great Britain, if it should think fit, for the approval, through her deputy or representative, of the following fundamental propositions, leaving out all things considered secondary in comparison with these, so that it may prepare all means necessary for attaining this noble purpose, until such time as it finds occasion for making the actual negotiations:—

Firstly—England to acknowledge the independence of the Arab countries, bounded on the north by Mersina and Adana up to the 37° of latitude, on which degree fall Birijik, Urfa, Mardin, Midiat, Jezirat (Ibn 'Umar), Amadia, up to the border of Persia; on the east by the borders of Persia up to the Gulf of Basra; on the south by the Indian Ocean, with the exception of the position of Aden to remain as it is; on the west by the Red Sea, the Mediterranean Sea up to Mersina. England to approve of the proclamation of an Arab Khalifate of Islam.

Secondly.—The Arab Government of the Sherif to acknowledge that England shall have the preference in all economic enterprises in the Arab countries whenever conditions of enterprise are otherwise equal.

Thirdly.—For the security of this Arab independence and the certainty of such preference of economic enterprises, both high contracting parties to offer mutual assistance, to the best ability of their military and naval forces, to face any foreign Power which may attack either party. Peace not to be decided without agreement of both parties.

Fourthly.—If one of the parties enters upon an aggressive conflict, the other party to assume a neutral attitude, and in case of such party wishing the other to join forces, both to meet and discuss the conditions.

Fifthly.—England to acknowledge the abolition of foreign privileges in the Arab countries, and to assist the Government of the Sherif in an International Convention for confirming such abolition.

Sixthly.—Articles 3 and 4 of this treaty to remain in vigour for fifteen years, and, if either wishes it to be renewed, one year's notice before lapse of treaty to be given.

Consequently, and as the whole of the Arab nation have (praise be to God) agreed and united for the attainment, at all costs and finally, of this noble object, they beg the Government of Great Britain to answer them positively or negatively in a period of thirty days after receiving this intimation; and if this period should lapse before they receive an answer, they reserve to themselves complete freedom of action. Moreover, we (the Sherif's family) will consider ourselves free in word and deed from the bonds of our previous declaration which we made through Ali Effendi.

NO. 2—TRANSLATION OF A LETTER FROM SIR H. MCMAHON, HIS MAJESTY'S HIGH COMMISSIONER AT CAIRO, TO THE SHERIF OF MECCA

AUGUST 30, 1915.

To his Highness the Sherif Hussein.

(After compliments and salutations.)

We have the honour to thank you for your frank expressions of the sincerity of your feeling towards England. We rejoice, moreover, that your Highness and your people are of one opinion—that Arab interests are English interests and English Arab. To this intent we confirm to you the terms of Lord Kitchener's message, which reached you by the hand of Ali Effendi, and in which was stated clearly our desire for the independence of Arabia and its inhabitants, together with our approval of the Arab Khalifate when it should be proclaimed. We declare once more that His Majesty's Government would welcome the resumption of the Khalifate by an Arab of true race. With regard to the questions of limits and boundaries, it would appear to be premature to consume our time in discussing such details in the heat of war, and while, in many portions of them, the Turk is up to now in effective occupation; especially as we have learned, with surprise and regret, that some of the Arabs in those very parts, far from assisting us, are neglecting this their supreme opportunity and are lending their arms to the German and the Turk, to the new despoiler and the old oppressor.

Nevertheless, we are ready to send your Highness for the Holy Cities and the noble Arabs the charitable offerings of Egypt so soon as your Highness shall inform us how and where they should be delivered. We are, moreover, arranging for this your messenger to be admitted and helped on any journey he may make to ourselves.

Friendly reassurances. Salutations!

(Signed) A. H. MCMAHON.

No. 3 *Translation of a letter from the Sherif of Mecca to Sir H. McMahon, His Majesty's High Commissioner at Cairo.*

SEPTEMBER 9, 1915.

To his Excellency the Most Exalted, the Most Eminent—the British High Commissioner in Egypt; may God grant him Success.

WITH great cheerfulness and delight I received your letter dated the 19th Shawal, 1333 (the 30th August, 1915), and have given it great consideration and regard, in spite of the impression I received from its of ambiguity and its tone of coldness and hesitation with regard to our essential point.

It is necessary to make clear to your Excellency our sincerity towards the illustrious British Empire and our confession of preference for it in all cases and matters and under all forms and circumstances. The real interests of the followers of our religion necessitate this.

Nevertheless, your Excellency will pardon me and permit me to say clearly that the coolness and hesitation which you have displayed in the question of the limits and boundaries by saying that the discussion of these at present is of no use and is a loss of time, and that they are still in the hands of the Government which is ruling them, &c., might be taken to infer an estrangement or something of the sort.

As the limits and boundaries demanded are not those of one person whom we should satsify and with whom we should discuss them after the war is over, but our peoples have seen that the life of their new proposal is bound at least by these limits and their word is united on this.

Therefore, they have found it necessary first to discuss this point with the Power in whom they now have their confidence and trust as a final appeal, viz., the illustrious British Empire.

Their reason for this union and confidence is mutual interest, the necessity of regulating territorial divisions and the feelings of their inhabitants, so that they may know how to base their future and life, so not to meet her (England?) or any of her Allies in opposition to their resolution which would produce a contrary issue, which God forbid.

For the object is, honourable Minister, the truth which is established on a basis which guarantees the essential sources of life in future.

Yet within these limits they have not included places inhabited by a foreign race. It is a vain show of words and titles.

May God have mercy on the Khalifate and comfort Moslems in it.

I am confident that your Excellency will

not doubt that it is not I personally who am demanding of these limits which include only our race, but that they are all proposals of the people, who, in short, believe that they are necessary for economic life.

Is this not right, your Excellency the Minister?

In a word, your Excellency, we are firm in our sincerity and declaring our preference for loyalty towards you, whether you are satified with us, as has been said, or angry.

With reference to your remark in your letter above mentioned that some of our people are still doing their utmost in promoting the interests of Turkey, your goodness (lit. "perfectness") would not permit you to make this an excuse for the tone of coldness and hesitation with regard to our demands, demands which I cannot admit that you, as a man of sound opinion, will deny to be necessary for our existence; nay, they are the essential essence of our life, material and moral.

Up to the present moment I am myself with all my might carrying out in my country all things in conformity with the Islamic law, all things which tend to benefit the rest of the Kingdom, and I shall continue to do so until it pleases God to order otherwise.

In order to reassure your Excellency I can declare that the whole country, together with those who you say are submitting themselves to Turco-German orders, are all waiting the result of these negotiations, which are dependent only on your refusal or acceptance of the question of the limits and on your declaration of safeguarding their religion first and then the rest of rights from any harm or danger.

Whatever the illustrious Government of Great Britain finds conformable to its policy on this subject, communicate it to us and specify to us the course we should follow.

In all cases it is only God's will which shall be executed, and it is God who is the real factor in everything.

With regard to our demand for grain for the natives, and the moneys ("surras") known to the Wakfs' Ministry and all other articles sent here with pilgrims' caravans, high Excellency, my intention in this matter is to confirm your proclamations to the whole world, and especially to the Moslem world, that your antagonism is confined only to the party which has usurped the rights of the Khalifate in which are included the rights of all Moslems.

Moreover the said grain is from the special Wakfs and has nothing to do with politics.

If you think it should be, let the grain of the two years be transported in a special steamer to Jedda in an official manner, in the name of all the natives as usual, and the captain of the steamer or the special "Mamur" detailed as usual every year to hand it over on his arrival at the port will send to the Governor of Jedda asking for the Mamur of the grain at Jedda or a responsible official to take over the grain and give the necessary receipt signed by the said Mamur, that is the Mamur of the grain himself. He should make it a condition that he would (? not) accept any receipt but that signed by this Mamur.

Let the captain of the steamer or the "Mamur" (detailed with the grain) be instructed that if he finds anything contrary to this arrangement he should warn them that he will return home with the cargo. Thereupon the Mamur and the special committee detailed with him, which is known as the committee of the grain for the natives, will take over the grain in the proper form.

Please accept my best regards and salutations.

If you choose to send a reply to this, please send it with the bearer.

29th Shawal, 1333.

No. 4—*Translation of a letter from Sir H. McMahon, His Majesty's High Commissioner at Cairo, to the Sherif of Mecca*

OCTOBER 24, 1915.

I have received your letter of the 29th Shawal, 1333, with much pleasure and your expressions of friendliness and sincerity have given me the greatest satisfaction.

I regret that you should have received from my last letter the impression that I regarded the question of the limits and boundaries with coldness and hesitation; such was not the case, but it appeared to me that the time had not yet come when that question could be discussed in a conclusive manner.

I have realised, however, from your last letter that you regard this question as one of vital and urgent importance. I have, therefore, lost no time in informing the Government of Great Britain of the contents of your letter, and it is with great pleasure that I communicate to you on their behalf the following statement, which I am confident you will receive with satisfaction:—

The two districts of Mersina and Alexandretta and portions of Syria lying to the west of the districts of Damascus, Homs, Hama and Aleppo cannot be said to be purely Arab, and should be excluded from the limits demanded.

With the above modification, and without prejudice to our existing treaties with Arab chiefs, we accept those limits.

As for those regions lying within those frontiers wherein Great Britain is free to act without detriment to the interests of her ally, France, I am empowered in the name of the Government of Great Britain to give the following assurances and make the following reply to your letter:—

(1) Subject to the above modifications, Great Britain is prepared to recognise and support the independence of the Arabs in all the regions within the limits demanded by the Sherif of Mecca.

(2) Great Britain will guarantee the Holy Places against all external aggression and will recognise their inviolability.

(3) When the situation admits, Great Britain will give to the Arabs her advice and will assist them to establish what may appear to be the most suitable form of government in those various territories.

(4) On the other hand, it is understood that the Arabs have decided to seek the advice and guidance of Great Britain only, and that such European advisers and officials as may be required for the formation of a sound form of administration will be British.

(5) With regard to the *vilayets* of Bagdad and Basra, the Arabs will recognise that the established position and interests of Great Britain necessitate special administrative arrangements in order to secure these territories from foreign aggression, to promote the welfare of the local populations and to safeguard our mutual economic interests.

I am convinced that this declaration will assure you beyond all possible doubt of the sympathy of Great Britain towards the aspirations of her friends the Arabs and will result in a firm and lasting alliance, the immediate results of which will be the expulsion of the Turks from the Arab countries and the freeing of the Arab peoples from the Turkish yoke, which for so many years has pressed heavily upon them.

I have confined myself in this letter to the more vital and important questions, and if there are any other matters dealt with in your letters which I have omitted to mention, we may discuss them at some convenient date in the future.

It was with very great relief and satisfaction that I heard of the safe arrival of the Holy Carpet and the accompanying offerings which, thanks to the clearness of your directions and the excellence of your arrangements, were landed without trouble or mishap in spite of the dangers and difficulties occasioned by the present sad war. May God soon bring a lasting peace and freedom to all peoples!

I am sending this letter by the hand of your trusted and excellent messenger, Sheikh Mohammed Ibn Arif Ibn Uraifan, and he will inform you of the various matters of interest, but of less vital importance, which I have not mentioned in this letter.

(Compliments.)

(Signed) A. HENRY MCMAHON.

No. 5—*Translation of a letter from the Sherif of Mecca to Sir H. McMahon, His Majesty's High Commissioner at Cairo*

NOVEMBER 5, 1915.

(In the name of God, the Merciful, the Compassionate!)

To his Excellency the most exalted and eminent Minister who is endowed with the highest authority and soundness of opinion.

May God guide him to do His Will!

I received with great pleasure your honoured letter, dated the 15th Zil Hijja (the 24th October, 1915), to which I beg to answer as follows:—

1. In order to facilitate an agreement and to render a service to Islam, and at the same time to avoid all that may cause Islam troubles and hardships—seeing moreover that we have great consideration for the distinguished qualities and dispositions of the Government of Great Britain—we renounce our insistence on the inclusion of the *vilayets* of Mersina and Adana in the Arab Kingdom. But the two *vilayets* of Aleppo and Beirut and their sea coasts are purely Arab *vilayets*, and there is no difference between a Moslem and a Christian Arab: they are both descendants of one forefather.

We Moslems will follow the footsteps of the Faithful Omar ibn Khattab, and other Khalifs succeeding him, who ordained in the laws of the Moslem Faith that Moslems should treat the Christians as they treat themselves. He, Omar, declared with reference to Christians: "They will have the same privileges and submit to the same duties as ourselves." They will thus enjoy their civic rights in as much as it accords with the general interests of the whole nation.

2. As the Iraqi *vilayets* are parts of the pure Arab Kingdom, and were in fact the seat of its Government in the time of Ali ibn Abu Talib, and in the time of all the Khalifs who succeeded him; and as in them began the civilisation of the Arabs, and as their towns were the first towns built in Islam where the Arab power became so great; therefore they are greatly valued by all Arabs far and near, and their traditions cannot be forgotten by them. Consequently, we cannot satisfy the Arab nations or make them submit to give us such a title to nobility. But in order to render an accord easy, and taking into consideration the assurances mentioned in the fifth article of your letter to keep and guard our mutual interests in that country as they are one and the same, for all these reasons we might agree to leave under the British administration for a short time those districts now occupied by the British troops without the rights of either party being prejudiced thereby (especially those of the Arab nation; which interests are to it economic and vital), and against a suitable sum paid as compensation to the Arab Kingdom for the period of occupation, in order to meet the expenses which every new kingdom is bound to support; at the same time respecting your agreements with the Sheikhs of those districts, and especially those which are essential.

3. In your desire to hasten the movement we see not only advantages, but grounds of apprehension. The first of these grounds is the fear of the blame of the Moslems of the opposite party (as has already happened in the past), who would declare that we have

revolted against Islam and ruined its forces. The second is that, standing in the face of Turkey which is supported by all the forces of Germany, we do not know what Great Britain and her allies do if one of the *Entente* Powers were weakened and obliged to make peace. We fear that the Arab nation will then be left alone in the face of Turkey together with her allies, but we would not at all mind if we were to face the Turks alone. Therefore it is necessary to take these points into consideration in order to avoid a peace being concluded in which the parties concerned may decide the fate of our people as if we had taken part in the war without making good our claims to official consideration.

4. The Arab nation has a strong belief that after this war is over the Turks under German influence will direct their efforts to provoke the Arabs and violate their rights, both material and moral, to wipe out their nobility and honour and reduce them to utter submission as they are determined to ruin them entirely. The reasons for the slowness shown in our action have already been stated.

5. When the Arabs know the Government of Great Britain is their ally who will not leave them to themselves at the conclusion of peace in the face of Turkey and Germany, and that she will support and will effectively defend them, then to enter the war at once will, no doubt, be in conformity with the general interest of the Arabs.

6. Our letter dated the 29th Shauâl, 1333 (the 9th September, 1915), saves us the trouble of repeating our opinions as to articles 3 and 4 of your honoured last letter regarding administration, Government advisers and officials, especially as you have declared, exalted Minister, that you will not interfere with internal affairs.

7. The arrival of a clear and definite answer as soon as possible to the above proposals is expected. We have done our utmost in making concessions in order to come to an agreement satisfying both parties. We know that our lot in this war will be either a success, which will guarantee to the Arabs a life becoming their past history, or destruction in the attempt to attain their objects. Had it not been for the determination which I see in the Arabs for the attainment of their objects, I would have preferred to seclude myself on one of the heights of a mountain, but they, the Arabs, have insisted that I should guide the movement to this end.

May God keep you safe and victorious, as we devoutly hope and desire.

27th Zil Hijja, 1333.

No. 6—*Translation of a letter from Sir H. McMahon, His Majesty's High Commissioner at Cairo, to the Sherif of Mecca*

DECEMBER 13, 1915.

To Sherif Hussein:

(After customary greetings and acknowledgement of previous letter.)

I am gratified to observe that you agree to the exclusion of the districts of Mersina and Adana from boundaries of the Arab territories.

I also note with great pleasure and satisfaction your assurances that the Arabs are determined to act in conformity with the precepts laid down by Omar Ibn Khattab and the early Khalifs, which secure the rights and privileges of all religions alike.

In stating that the Arabs are ready to recognise and respect all our treaties with Arab chiefs, it is, of course, understood that this will apply to all territories included in the Arab Kingdom, as the Government of Great Britain cannot repudiate engagements which already exist.

With regard to the *vilayets* of Aleppo and Beirut, the Government of Great Britain have fully understood and taken careful note of your observations, but as the interests of our ally, France, are involved in them both, the question will require careful consideration and a further communication on the subject will be addressed to you in due course.

The Government of Great Britain, as I have already informed you, are ready to give all guarantees of assistance and support within their power to the Arab Kingdom, but their interests demand, as you yourself have recognised, a friendly and stable administration in the *vilayet* of Bagdad, and the adequate safeguarding of these interests calls for a much fuller and more detailed consideration than the present situation and the urgency of these negotiations permit.

We fully appreciate your desire for caution, and have no wish to urge you to hasty action, which might jeopardize the eventual success of your projects, but, in the meantime, it is most essential that you should spare no effort to attach all the Arab peoples to our united cause and urge them to afford no assistance to our enemies.

It is on the success of these efforts and on the more active measures which the Arabs may hereafter take in support of our cause, when the time for action comes, that the permanence and strength of our agreement must depend.

Under these circumstances I am further directed by the Government of Great Britain to inform you that you may rest assured that Great Britain has no intention of concluding any peace in terms of which the freedom of the Arab peoples from German and Turkish domination does not form an essential condition.

As an earnest of our intentions, and in order to aid you in your efforts in our joint cause, I am sending you by your trustworthy messenger a sum of twenty thousand pounds.

(Customary ending.)

(Signed) H. McMAHON.

NO. 7—*Translation of a letter from the Sherif of Mecca to Sir H. McMahon, His Majesty's High Commissioner at Cairo*

JANUARY 1, 1916.

(In the name of God, the Merciful, the Compassionate!)

To his Excellency the eminent, energetic and magnanimous Minister.

We received from the bearer your letter, dated the 9th Safar (the 14th December, 1915), with great respect and honour, and I have understood its contents, which caused me the greatest pleasure and satisfaction, as it removed that which had made me uneasy.

Your honour will have realised, after the arrival of Mohammed (Faroki) Sherif and his interview with you, that all our procedure up to the present was of no personal inclination or the like, which would have been wholly unintelligible, but that everything was the result of the decisions and desires of our peoples, and that we are but transmitters and executants of such decisions and desires in the position they (our people) have pressed upon us.

These truths are, in my opinion, very important and deserve your honour's special attention and consideration.

With regard to what had been stated in your honoured communication concerning El Iraq as to the matter of compensation for the period of occupation, we, in order to strengthen the confidence of Great Britain in our attitude and in our words and actions, really and veritably, and in order to give her evidence of our certainty and assurance in trusting her glorious Government, leave the determination of the amount to the perception of her wisdom and justice.

As regards the northern parts and their coasts, we have already stated in our previous letter what were the utmost possible modifications, and all this was only done so to fulfill those aspirations whose attainment is desired by the will of the Blessed and Supreme God. It is this same feeling and desire which impelled us to avoid what may possibly injure the alliance of Great Britain and France and the agreement made between them during the present wars and calamities; yet we find it our duty that the eminent minister should be sure that, at the first opportunity after this war is finished, we shall ask you (what we avert our eyes from to-day) for what we now leave to France in Beirut and its coasts.

I do not find it necessary to draw your attention to the fact that our plan is of greater security to the interests and protection of the rights of Great Britain than it is to us, and will necessarily be so whatever may happen, so that Great Britain may finally see her friends in that contentment and advancement which she is endeavoring to establish for them now, especially as her Allies being neighbours to us will be the germ of difficulties and discussion with which there will be no peaceful conditions. In addition to which the citizens of Beirut will decidedly never accept such dismemberment, and they may oblige us to undertake new measures which may exercise Great Britain, certainly not less than her present troubles, because of our belief and certainty in the reciprocity and indeed the identity of our interests, which is the only cause that caused us never to care to negotiate with any other Power but you. Consequently, it is impossible to allow any derogation that gives France, or any other Power, a span of land in those regions.

I declare this, and I have a strong belief, which the living will inherit from the dead, in the declarations which you give in conclusion of your honoured letter. Therefore, the honourable and eminent Minister should believe and be sure, together with Great Britain, that we still remain firm to our resolution which Storrs learnt from us two years ago, for which we await the opportunity suitable to our situation, especially in view of that action the time of which has now come near and which destiny drives towards us with great haste and clearness, so that we and those who are of our opinion may have reasons for such action against any criticisms or responsibilities imposed upon us in future.

Your expression "we do not want to push you to any hasty action which might jeopardise the success of your aim" does not need any more explanation except what we may ask for, when necessary, such as arms, ammunition, etc.

I deem this sufficient, as I have occupied much of your Honour's time. I beg to offer you my great veneration and respect.

25the Safar, 1334.

NO. 8—*Translation of a letter from Sir H. McMahon, His Majesty's High Commissioner at Cairo, to the Sherif at Mecca*

JANUARY 25, 1916.

(After customary greetings.)

We have received with great pleasure and satisfaction your letter of the 25th Safar (the 1st January) at the hands of your trusty messenger, who has also transmitted to us your verbal messages.

We fully realise and entirely appreciate the motives which guide you in this important question, and we know well that you are acting entirely in the interests of the Arab peoples and with no thought beyond their welfare.

We take note of your remarks concerning the *vilayet* of Baghdad, and will take the question into careful consideration when the enemy has been defeated and the time for peaceful settlement arrives.

As regards the northern parts, we note with satisfaction your desire to avoid anything which might possibly injure the alliance of Great Britain and France. It is, as you know, our fixed determination that nothing shall be permitted to interfere in the slightest degree with our united prosecution of this war to a victorious conclusion. Moreover, when the

victory has been won, the friendship of Great Britain and France will become yet more firm and enduring, cemented by the blood of Englishmen and Frenchmen who have died side by side fighting for the cause of right and liberty.

In this great cause Arabia is now associated, and God grant that the result of our mutual efforts and co-operation will bind us in a lasting friendship to the mutual welfare and happiness of us all.

We are greatly pleased to hear of the action you are taking to win all the Arabs over to our joint cause, and to dissuade them from giving any assistance to our enemies, and we leave it to your discretion to seize the most favourable moment for further and more decided measures.

You will doubtless inform us by the bearer of this letter of any manner in which we can assist you and your requests will always receive our immediate consideration.

You will have heard how El Sayed Ahmed el Sherif el Senussi has been beguiled by evil advice into hostile action, and it will be a great grief to you to know that he has been so far forgetful of the interests of the Arabs as to throw in his lot with our enemies. Misfortune has now overtaken him, and we trust that this will show him his error and lead him to peace for the sake of his poor misguided followers.

We are sending this letter by the hand of your good messenger, who will also bring to you all our news.

With salaams.

(Signed) H. McMAHON.

No. 9—*Translation of a letter from the Sherif of Mecca to Sir H. McMahon, His Majesty's High Commissioner at Cairo*

FEBRUARY 18, 1916.

(In the name of the Merciful, the Compassionate!)

To the most noble His Excellency the High Commissioner. May God protect him.

(After compliments and respects.)

We received your Excellency's letter dated 25th Rabi El Awal, and its contents filled us with the utmost pleasure and satisfaction at the attainment of the required understanding and the intimacy desired. I ask God to make easy our purposes and prosper our endeavours. Your Excellency will understand the work that is being done, and the reasons for it from the following:—

Firstly.—We had informed your Excellency that we had sent one of our sons to Syria to command the operations deemed necessary there. We have received a detailed report from him stating that the tyrannies of the Government there have not left of the persons upon whom they could depend, whether of the different ranks of soldiers or of others, save only a few, and those of secondary importance; and that he is awaiting the arrival of the forces announced from different places, especially from the people of the country and the surrounding Arab regions as Aleppo and the south of Mosul, whose total is calculated at not less than 100,000 by their estimate; and he intends, if the majority of the forces mentioned are Arab, to begin the movement by them; and, if otherwise, that is, of the Turks or others, he will observe their advance to the Canal, and when they begin to fight, his movements upon them will be different to what they expect.

Secondly.—We purposed sending our eldest son to Medina with sufficient forces to strengthen his brother (who is) in Syria, and with every possibility of occupying the railway line, or carrying out such operations as circumstances may admit. This is the beginning of the principal movement, and we are satisfied in its beginning with what he had levied as guards to keep the interior of the country quiet; they are of the people of Hejaz only, for many reasons, which it would take too long to set forth; chiefly the difficulties in the way of providing their necessities with secrecy and speed (although this precaution was not necessary) and to make it easy to bring reinforcements when needed; this is the summary of what you wished to understand. In my opinion it is sufficient, and it is to be taken as a foundation and a standard as to our actions in the face of all changes and unforeseen events which the sequence of events may show. It remains for us to state what we need at present:

Firstly.—The amount of £50,000 in gold for the monthly pay of the troops levied, and other things the necessity of which needs no explanation. We beg you to send it with all possible haste.

Secondly.—20,000 sacks of rice, 15,000 sacks of flour, 3,000 sacks of barley, 150 sacks of coffee, 150 sacks of sugar, 5,000 rifles of the modern pattern and the necessary ammunition, and 100 boxes of the two sample cartridges (enclosed) and of Martini-Henry cartridges and "Aza," that is those of the rifles of the factory of St. Etienne in France, for the use of those two kinds of rifles of our tribes; it would not be amiss to send 500 boxes of both kinds.

Thirdly—We think it better that the place of deposit of all these things should be Port Sudan.

Fourthly.—As the above provisions and munitions are not needed until the beginning of the movement (of which we will inform you officially), they should remain at the above place, and when we need them we will inform the Governor there of the place to which they may be conveyed, and of the intermediaries who will carry orders for receiving them.

Fifthly.—The money required should be sent at once to the Governor of Port Sudan, and a confidential agent will be sent by us to receive it, either all at once, or in two installments, according as he is able, and this (§) is the (secret) sign to be recognized for accepting the man.

Sixthly.—Our envoy who will receive the money will be sent to Port Sudan in three weeks' time, that is to say, he will be there on the 5th Jamad Awal (9th March) with a letter from us addressed to Al Khawaga Elias Effendi, saying that he (Elias) will pay him, in accordance with the letter, the rent of our properties, and the signature will be clear in our name, but we will instruct him to ask for the Governor of the place, whom you will apprise of this person's arrival. After perusal of the letter, the money should be given to him on condition that no discussion whatever is to be made with him of any question concerning us. We beg you most emphatically not to tell him anything, keeping this affair secret, and he should be treated apparently as if he were nothing out of the way.

Let it not be thought that our appointment of another man results from lack of confidence in the bearer; it is only to avoid waste of time, for we are appointing him to a task elsewhere. At the same time we beg you not to embark or send him in a steamer, or officially, the means already arranged being sufficient.

Seventhly.—Our representative, bearer of the present letter, has been definitely instructed to ensure the arrival of this, and I think that his mission this time is finished since the condition of things is known both in general and in detail, and there is no need for sending anyone else. In case of need for sending information, it will come from us; yet as our next representative will reach you after three weeks, you may prepare instructions for him to take back. Yet let him be treated simply in appearance.

Eighthly.—Let the British Government consider this military expenditure in accordance with the books which will be furnished it, explaining how the money has been spent.

To conclude, my best and numberless salutations beyond all increase.

14 *Rabi al Akhar*, 1334.

No. 10—*Translation of a letter from Sir H. McMahon, His Majesty's High Commissioner at Cairo, to the Sherif of Mecca*

MARCH 10, 1916.

(After customary greetings.)

We have received your letter of the 14th Rabi el Akhar (the 18th February), duly delivered by your trusted messenger.

We are grateful to note the active measures which you propose to take. We consider them the most suitable in the existing circumstances, and they have the approval of His Majesty's Government. I am pleased to be able to inform you that His Majesty's Government have approved of meeting your requests, and that which you asked to be sent with all haste is being despatched with your messenger, who is also the bearer of this letter.

The remainder will be collected as quickly as possible and will be deposited at Port Sudan, where it will remain until we hear from you officially of the beginning of the movement and of the places to which they may be conveyed and the intermediaries who will carry out the orders for receiving them.

The necessary instructions, as set forth in your letter, have been issued to the Governor at Port Sudan, and he will arrange everything in accordance with your wishes.

Your representative who brought your last letter has been duly facilitated in his journey to Jeizan, and every assistance has been given him in his mission, which we trust will be crowned with good results.

We have arranged that, on completion, he will be brought to Port Sudan, whence he will proceed by the safest means to join you and report the results of his work.

We take the opportunity, in sending this letter, to explain to you a matter which might otherwise not have been clear to you, and which might have given rise to misunderstanding. There are various Turkish posts and small garrisons along the coasts of Arabia who are hostile to us, and who are said to be planning injury to our naval interests in the Red Sea. We may, therefore, find it necessary to take hostile measures against these posts and garrisons, but we have issued strict instructions that every care must be taken by our ships to differentiate between the hostile Turkish garrisons and the innocent Arab inhabitants, towards whom we entertain such friendly feelings.

We give you notice of this matter in case distorted and false reports may reach you of the reasons for any action which we may be obliged to take.

We have heard rumours that our mutual enemies are endeavouring to construct boats for the purpose of laying mines in the Red Sea, and of otherwise injuring our interests there, and we beg of you that you will give us early information should you receive any confirmaiton of such reports.

We have heard that Ibn Rashid has been selling large quantities of camels to the Turks, which are being sent up to Damascus.

We hope that you will be able to use influence with him in order that he may cease from this practice and, if he still persists, that you will be able to arrange for the Arabs who lie between him and Syria to seize the camels as they pass, a procedure which will be to our mutual advantage.

I am glad to be able to inform you that those misguided Arabs under Sayed Ahmed el Senussi, who have fallen victims to the wiles of Turkish and German intriguers, are now beginning to see the error of their ways, and are coming in to us in large numbers, asking for forgiveness and friendship.

We have severely defeated the forces which these intriguers had collected against us, and the eyes of the Arabs are now becoming open to the deceit which has been practiced upon them.

The capture of Erzerum, and the defeats sustained by the Turks in the Caucasus, are

having a great effect in our favour, and are greatly helping the cause for which we are both working.

We ask God to prosper your endeavors and to further the work which you have taken in hand.

In conclusion, we beg you to accept our warmest salutations and expressions of friendship.

6 *Jamad Awwal*, 1334.

(Signed) A. H. McMAHON.

Despite the strange nature of the letter to Baron Rothschild, there was no carelessness involved in the wording of the document. Mr. Lloyd George, himself, speaking in Wales in 1930, assured his listeners in curious terms that the Declaration "was prepared after much consideration, not merely of its policy, but of its actual wording." Whatever is to be found in the Balfour Declaration was put there deliberately. If the wording seemed ambiguous, it was an intentional ambiguity. It is interesting to note the reference to the "non-Jewish communities." At the time the Declaration was issued, the population in Palestine was about 91% Arab and 9% Jew. Purportedly the use of "home" rather than "state" was a type of safeguard clause inserted to protect and reassure earlier pledges made by Britain to the Arabs. Due to just such ambiguity found in both the Balfour Declaration and the Hussein-McMahon letters, the Jews and Arabs alike were left with the impression they were to receive the Palestine area as a part of a political state at the conclusion of World War I.

Britain's reasons for making such conflicting and ambiguous declarations are still only a matter of conjecture. The pronouncement came at a time when Allied support in the war effort was in its darkest period.

Palestine was a strategic area for Great Britain in terms of long-range imperialistic considerations. The London Agreements signed in 1915 and 1916 had divided the Ottoman Empire into spheres of influence to be claimed at the end of World War I. With both the Arabs and the Jews feeling that Palestine would eventually become their independent state, perhaps Great Britain felt that the Zionists and the Arabs would remain dependent on her for future political considerations in return for present favors rendered in the war effort.

Whatever the rationale, Arthur Koestler, British Journalist/Essayist and novelist, has described the British maneuver in this succinct fashion:

"In the Balfour Declaration, one nation solemnly promised to a second nation the country of a third. No second thoughts can diminish the originality of this procedure. The Arabs had been living there for centuries, and the country was no doubt theirs in the generally accepted sense of the word. It is true that the Arabs had vast under-populated territories at their disposal and the Jews had none; that the Arabs were a backward people, the Jews a forward people, and that the latter claimed to have received that country only 3000 years earlier from God himself, who had only temporarily withdrawn it from them."

Although there seems to be little reason to dwell longer on the topic of the Balfour Declaration, the circumstances surrounding its creation of a national Jewish home should be well noted. Aside from that more ancient doctrine as recorded in the Bible, the Balfour Declaration is publicly cited as the Zionist's title to Palestine. The conclusion of the First World War left the future of Palestine in question.

THE VERSAILLES PEACE CONFERENCE AND THE KING-CRANE COMMISSION

Due to the fact that nine-tenths of the Palestinian population was not Jewish and Palestine was the recognized Holy Land for the Jews, Christians and Muslims, the Versailles Peace Conference of 1919 opposed turning Palestine into a Jewish state.

The policy of the United States with regard to the Middle East at the Versailles Conference was one of support for self-determination, based on Wilson's 14 Points. In 1919 President Wilson sent two commissions: The King-Crane Commission to the Arab lands and the Harbord Commission to Armenia. The instruction of these commissions was to determine the wishes of the local people. Since this was the United States first direct political involvement in the Middle East, the findings and recommendations of the King-Crane Commission are a significant indication of the position this country enjoyed in the Arab world a half a century ago.

After lengthy interviews with a large number of Palestinian and Syrian people, the King-Crane Commission turned in the recommendation that the unity of Syria (meaning Syria, Lebanon and Palestine) be preserved and that if a mandate was necessary, the overwhelming preference of the population of these areas was for the United States to assume a single mandate over the entire area.

The report stated:

"They declared that their choice was due to knowledge of America's record; the unselfish aims with which she had come into the war; the faith in her felt by the multitudes of Syrians who had been in America; the spirit revealed in American educational institutions in Syria, especially the college in Beirut, with its well-known and constant encouragement of Syrian national sentiment; their belief that America had no territorial or colonial ambitions, and would willingly withdraw when the Syrian State was well established as her treatment of both Cuba and the Philippines seemed to illustrate; her genuinely democratic spirit; and her ample resources.

The Commission recommended that if the United States did not accept the mandate then it should be assigned to Great Britain. The Commission declared that it could not recommended that the mandate be given to France due to the fact that such a move might precipitate a war between France and Syria. The Commission also at this time expressed concern over the "Zionist aspirations in Palestine."

Unfortunately, President Wilson became inflicted with his fatal illness shortly after the issue of the Commission Report and more than likely never saw their recommendations. He did send over to Congress a proposal for an American mandate over Armenia, but this was defeated in the Senate by a vote of 52 to 23. As the United States returned to an isolationist policy after the death of Wilson, our nation forsook for a time, the possibility of establishing a real political or strategic role in the area.

POPULATION MOVEMENTS AND PARTITION PLANS IN THE MIDDLE EAST

Both the Arabs and the Jews were denied their dream of an independent state in Palestine at the conclusion of the war. The newly created League of Nations established a mandate system (tutelage for independence) for the countries in the Middle East. Great Britain was given mandatory responsibility for Palestine and Iraq. France was given mandates for Syria. (Lebanon was created out of Syria in 1920 by France.) Britain's intentions, however, were clear. In July of 1922, the Balfour Declaration was directly incorporated, almost verbatim, in the League of Nations' mandate. The Arabs who did not want the mandate and who had no say in its formulation have refused to recognize its validity. In order to quiet the Arabs' fear of Jewish domination, the Colonial Secretary, Winston Churchill, issued a statement of policy on July 1, 1922, that attempted to resolve the ambiguity of the Balfour Declaration by saying that the "national home" of the Jews was not meant to be a Jewish state. The statement also guaranteed the autonomy of the Jews and assured them of continued immigration within the confines of the time of Great Britain's acceptance of the the economic capabilities of Palestine. At mandate, the first census of the Palestine region showed a Jewish population of 84,000, and an Arab population of 650,000. This census was done on a confessional basis, so the number of Arabs was an arbitrary figure, deduced from the numbers of Christians and Muslims.

On September 21, 1922, the United States Congress approved the Balfour Declaration. That joint resolution of the Congress as printed in "Documents on the Middle East" published by the American Enterprise Institute for Public Policy Research is as follows:

"NO. 73, 67TH CONGRESS, SECOND SESSION, SEPTEMBER 21, 1922

"Resolved by the Senate and House of Representatives of the United States of America in Congress Assembled.

"That the United States of America favors the establishment in Palestine of a national home for the Jewish people, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of Christian and all other non-Jewish communities in Palestine, and that the holy places and religious buildings and sites in Palestine shall be adequately protected."

As the influx of Jewish immigrants into Palestine began to largely increase, soon after the First World War, riots erupted among the Arab population. The idea of partitioning the Palestinian area was first introduced by the British in 1936–37 in the Peel Commission Report. According to the Report, the principal causes of the Arab-inspired riots of 1920, 1921, 1929 and 1933 were the rise of Arab nationalism and the fear of Zionist designs for political control of Palestine. The report recommended dividing Palestine into two regions and separating the two peoples with the area around Bethlehem and Jerusalem with a corridor extending to Jaffa to remain under British mandate. The Peel Commission's recommendations were rejected by both the Arabs and the Jews. As the exodus from Germany, a result of Hitler's rise to power, brought a continued increase in the Jewish population of Palestine, friction intensified. Out of fear that they were going to become a minority in what had been an Arab state, the Arab Resistance started in 1937 and lasted until 1939.

In 1938, another attempt by the British was made to restudy the problem and find a solution to the growing friction between Arab and Zionist. The 1938 Woodhead Commission considered the proposal of removing the Arabs to either an Arab State or other Arab countries. The Report was not accepted unanimously by members of the Commission, nor was acceptance from the Palestinians any more favorable. As a result of the Arab reaction, the British were forced to restrict her immigration laws into Palestine. In 1939 a "White Paper" was issued by the British which restricted Jewish immigration into Palestine, reaffirmed the 1922 policy and set a date for independence in 1949. A conference was held in London with representatives of the Arabs and the Jews to test their acceptance of the 1939 White Paper. The Zionists rejected the idea of restricting immigration outright and rejected the White Paper in its entirety. Arab spokesmen were willing to use the White Paper proposals as a basis for discussion of a solution to the problem, although they did not feel the paper presented an acceptable solution in its original state.

In 1940, the British introduced the Land

Transfer Regulations whereby no land could be sold to non-Arab Palestinians without approval of the British Government. Britain was trying to stop the sales to the Zionists that provided more settlement space for more immigrants coming from Europe in defiance of British policy. While the Arabs accepted the land transfer regulations, the Zionists did not, and further accused the British of trying to appease the Arabs at the expense of the Jewish settlement program. At a time when the Nazi regime of Germany was persecuting Jews and the need for additional land for immigrants was acute, the Zionists felt justified in rejecting the White Paper.

As World War II approached, the Allied Powers again turned to the Levantine states for support. In return they would receive independence which was eventually granted under the terms of the peace treaty. Egypt had been granted nominal independence in 1922, but maintained British presence until 1956; Iraq had been released from its mandate in 1932; Lebanon achieved her independence in 1943; syria in 1954; and Jordan in 1946.

The Palestine question reached international proportions during the course of the War and the years that followed. Pressures from the outside world were marked by strong pro-Zionist leanings in the United States. The Presidency, Congress, and the communications media were suspectible to Zionist pressure which focused on traditional American support for the minority and on the strong feelings of guilt which prevailed over our failure to alleviate the plight of the Jews in Europe during the ruthless Nazi purges. There is no denial that the suffering and terrible oppression experienced by the Jews under Nazi rule were one of the blackest pages ever to be written in the history of man. However, it must be said that following World War II there was no legal precedent for the international community to consent to the creation of a state without the agreement of the existing majority of the inhabitants in the area affected. It is oddly ironic that Allied forces did not have open immigration for the persecuted Jews. Public outrage and sympathy for the suffering of the Jews in Germany was matched by a refusal to assimilate these tragic people into their own nations. Yet from the immediate point after the War, until the Jews declared the state of Israel, in May of 1948, the sympathies of the world obscured the moral and legal obligations incumbant in partitioning Palestine.

After World War II, the Anglo-American Committee of Inquiry sought a solution to the Palestine question and to the problem of the displaced Jews of Europe. The Anglo-American Committee Report of April 30, 1946, rejected the idea of the partition of Palestine and suggested a state that should either be Arab or Jewish. Special protection, presumably under the auspices of the United Nations and various religious communities involved, would be given to the Holy Shrines and venerated places of Palestine to insure their open character. The Committee suggested a provincial arrangement for the division of the land in Palestine where each community would have control over the local affairs of their respective groups.

The findings of the Anglo-American Committee of Inquiry were accepted by the British, but rejected by the United States. Arabs believed that the provincial arrangements would lead to a partition of the area between the Jews and the Arabs; so they offered their alternative plan whereby a proportional representation system would guarantee the Jews at least ⅓ of the seats in government with the United Nation's protection of the Holy Places. The Zionists countered with a plan of their own calling for Palestine to become a Jewish Commonwealth with open immigration, and with the Jewish Agency (formed after the Mandate of 1922 to act as the operational arm in Palestine of the World Zionist Organization) in charge of the Palestinian government. Neither of these alternatives proved to be acceptable.

With the Palestinian question further and further from settlement, with no agreement being reached between either the United States or Great Britain or between Arabs and Jews and with Zionist terrorist organizations in Palestine harassing the British over the latter's opposition to Jewish immigration, the British Government on February 18, 1947, turned the problem of Palestine over to the United Nations. According to British figures at this time the population of the two communities were 625,000 Jews and 1,262,000 Arabs. The United Nations had estimated the population of Palestine in 1946 based on the 1936 census and the known birth, death and immigration rates, to be 1,230,000 Arabs, 608,000 Jews and 35,000 others. In the period from 1920 to 1946, the British had recorded 376,000 legal Jewish immigrants to Palestine.

UNITED NATIONS AND THE PALESTINIAN QUESTION

The end of the Second World War signaled the entry of the United States into the afgairs of the Middle East. While some Jewish leaders opposed the creation of a separate Jewish state in Palestine, and others suggested a bi-national state; the Zionists were able to influence the U.S. government's policy even against the advice of U.S. diplomats and other governmental officials who were experts on the Middle East. The U.S. government in turn brought pressure to bear on its allies and member states at the U.N. and influenced the outcome of U.N. deliberations on the subject. In contrast, the Arabs had little voice in the U.S.

A U.N. Special Conciliation Commission on Palestine (UNSCOP) was created, but was unable to present a unanimous report. The majority report favored partition; a minority report suggested a single state with a federal structure. When the partition plan came before the General Assembly, it was uncertain whether it would pass. However, due to delay in voting as a result of a Thanksgiving recess, the U.S. and other influential governments and groups favoring creation of the State of Israel lobbied it into existence, thereby changing the decisive votes of three states who had previously opposed the majority plan. Although the General Assembly recommended partition, it had no enforcement power.

As the partition plan emerged, between November, 1947, and May, 1948, events in Palestine escalated. The fighting continued between the British and the underground Zionist movements and as the Arabs sought to organize their strength, they too were confronted by the Zionist extremist groups organized by Abraham Stern and Irgun Zvai Leumi. An endless cycle of retaliation and counter-retaliation resulted in anarchy. While the British were theoretically the mandatory power, they had in fact relinquished their responsibility.

CREATION OF ISRAEL

Meanwhile, disappointed by the failure of agreement between the Arabs and the Zionists, the U.S. Department of State submitted a plan for U.N. Trusteeship for Palestine to the United Nations General Assembly on April 20, 1948. The shift of U.S. policy from partition to trusteeship was unfavorably received by the Zionists who were prepared to proclaim the state of Israel. As British rule dissolved at midnight on May 14, 1948, Israel proclaimed itself an independent state. Approximately thirty minutes later, President Truman extended de facto recognition to the state. (Soviet Russia was the second nation to do so.) The hasty recognition came as a surprise to the U.S. Department of State officials who were debating the trusteeship concept at the United Nations General Assembly. It then became a matter for the United Nations to achieve an armistice to end the subsequent war between Israel and her Arab neighbors. Regardless of the merits of the case of the creation of Israel, in the Arab eyes the United States' action indentified America with what the Arabs considered a serious breach of commitments.

THE WAR OF 1948 AND ITS RESULTS

Shortly after Israel proclaimed its statehood, the regular Arab armies of Egypt, Syria, Jordan, Lebanon and Iraq attacked Israel. The causes for the attack were cumulative, but the immediate reasons given by the Arabs and Zionists conflicted. The Arabs claimed that before any soldiers from the regular Arab armies had entered Palestine from the neighboring Arab countries, the Zionists had already occupied some territories which had been earmarked for the Arabs under the U.N. recommendations of November, 1947. The Zionists, on the other hand, claimed that the Arabs attacked their newly formed nation without provocation.

By June 11, 1948, a truce was signed which was breached intermittently throughout the year. After the truce, the Zionists occupied much of the area of Palestine which had been allocated to the Arabs in the partition plan. Although Jerusalem was supposed to become an international territory, *corpus separatum*, as a result of the war it was divided. The Old City remained in Arab hands while the New City was in the hands of the Israelis.

Count Folke Bernadotte was selected as the U.N. truce mediator, but was assassinated in Israeli-held Jerusalem on September, 1948. By November the U.N. called upon all parties to agree to an armistice and separate agreements were drawn up between Israel and Egypt, Jordan, Syria and Lebanon by the following year (1949). In May, preceding the armistice, Israel was admitted to the United Nations.

Eventually the armistice lines became international frontiers. The 1948 hostilities had brought Israel some 2,493 square miles more than what the United Nations' Partition Plan had envisioned in 1947, which was a Jewish state of 5,500 square miles. It was also at this time that the Middle East began to experience the problems of large numbers of refugees. Following the 1948 war, some 500,000 Jews migrated from Yemen, Iraq, Egypt, Syria, Lebanon, Algeria, Libya, Morocco and Tunisia to Israel between 1949 and 1952. Many of these Jewish immigrants came from homes which were in now hostile Arab states. However, by far, the Palestinian Arabs were the group which suffered the greatest. The United Nations reported that approximately 750,000 Palestinian Arabs were left homeless by the 1948 conflict.

THE UNITED NATIONS RELIEF AND WORKS AGENCY

On the basis of a resolution adopted by the U.N. General Assembly on December 8, 1949 (302/IV/) the United Nations Relief and Works Agency (UNWRA) was established to provide for emergency shelter and food for these displaced people.

Prior to that time, the needs of the refugees had been met through the Disaster Relief Project (1948) and voluntary agencies like the International Red Cross and Red Crescent Societies, and the American Friends Service Committee, whose activities were coordinated by the United Nations Relief for Palestine Refugees (UNRPR, 1949–1950). UNRWA was not established to "solve" the refugee problem, much less the more general Palestine problem. As defined by the resolutions of the U.N. General Assembly, its functions were and are (1) to provide relief, medical care, and education for refugees, and (2) to assist them to become self-supporting. These services have been rendered efficiently and well at an average annual cost of

some $40.00 per capita, or about 7 to 10 cents per capita per day.

Today UNRWA is the largest of the United Nations subsidiary agencies, with a staff of some 12,434, of whom 98% are Palestinian refugees. There are 108 international staff members. About 6,892 members of the staff are engaged in education and training and 2,998 in the health services. The Commissioner-General is an American, Dr. Laurence Michelmore, and Sir John Rennie (British) the Deputy Commissioner-General. The annual UNRWA budget, in recent years, has averaged some $37,000,000, with 44.5% going to relief services, 12.6% to health, and 42.9% to education and training. Due to the failure of contributions to match expenditures by 1966–67, there was a threatened deficit of more than $3,500,000, even before the conflict of June 1967 had added the increased burden of additional refugees and displaced persons who needed emergency international assistance.

Because a major portion of its work has been devoted to relief, with all the connotations involved in the term, the technical assistance aspects of UNRWA's activities often passed unnoticed, especially in the fields of public health and education and training. In 1950 there was a project to develop UNRWA into the United Nations center for Middle Eastern technical assistance. By 1969 there were more than 200,000 children in UNRWA's 466 schools, and some 57,000 refugee children in other schools, government and private. By 1969, UNRWA had assisted some 1,200 students to attend Middle Eastern universities, at an average cost of $500.00 per student per year, of whom more than 200 were graduated in medicine and a somewhat larger number in engineering and other skills needed in the Middle East. Better known were the eleven technical, vocational and teacher training centers, which, by 1969, had a capacity of some 4000 students and an annual output of some 3,000 with training as teachers, and as workers in the building, electrical, metal, and automotive fields as well as in business and office practice. By 1969 some 12,000 refugee young men and children had received various types of training and most of them had found suitable employment.

During the period since 1948 (to 1969) some $723,847,000 have been contributed to the relief and rehabilitation of the refugees, primarily through UNRWA, whose total income since 1950 was $695,767,000 (1969). Expenditures totaled $714,626,000 by the end of 1968. The contributions of several of the countries in the Middle East as well as the United States to UNRWA in the period of 1950–1969 is given below:

Israel, $2,435,160 (inconsistent; nothing given in 1965 and 1966).

Jordan, $2,195,174 (consistent between 1965 and 1969).

Lebanon, $828,516 (consistent between 1965–1969).

Syria, $2,700,909 (consistent between 1965–1969).

U.A.R., $5,475,576 (inconsistent; no money given in 1969).

United States, $455,618,069 (consistent between 1965–1969).

Mention should also be made, however, of the direct contributions made by some of these countries to the refugees (non-UNWRA funds given directly by the countries to the refugees for educational services, social welfare services, and miscellaneous and administrative costs.) For the year of 1969, these direct contributions to the refugees are as follows:

Israel	$2,859,139
Jordan	3,451,110
Lebanon	846,875
Syria	2,740,905
United Arab Republic	3,132,922

Since June of 1967, Israel's direct contributions to UNWRA have been in the neighborhood of some $2,500,000 and those of the Arab Host Governments to which the Palestinians fled about $9,000,000 annually. Voluntary organizations have contributed in the neighborhood of some $50,000,000 over the years, although it is difficult to make precise estimates in their instance.

THE UNITED NATIONS RESOLUTION 194 (III)

Following the hostilities of 1948, the United Nations immediately recognized the gravity of the refugee situation. On December 11, 1948, the General Assembly passed Resolution 194 (III) establishing a Conciliation Commission for Palestine (which members comprised France, Turkey, and the United States) to assist the parties toward a general settlement, but, while it produced a general formula in September, 1951, it was not acceptable to either side. During the years that followed, the Conciliation Commission was able to only unfreeze some $10,000,000 in blocked Arab bank accounts in Israel. The Resolution itself stated:

Resolved that the refugees wishing *to return* to their homes and live at peace with their neighbors should be permitted to do so at the earliest practicable date, and that *compensation* should be paid for the property of those choosing not to return and for loss or damage to property which, under principles of international law or in equity, should be made good by the Governments or authorities responsible.

Instructs the Conciliation Commission to facilitate the repatriation, resettlement, and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriation organs and agencies of the United Nations.

This resolution has been reaffirmed annually since 1948 by the General Assembly.

In actuality very few Palestinians were repatriated by Israel and none received compensation for the lands and homes they lost during the war. As was mentioned previously some money was unfrozen, but this could hardly cover the losses suffered by the refugees of the war.

In December of 1949 the United Nation's General Assembly also voted to establish a permanent international authority for Jerusalem. However, the Israeli Prime Minister subsequently announced that Jerusalem would be the capital of Israel despite the U.N.'s actions. The United States and other western governments never recognized this act and have kept their embassies in Tel Aviv.

U.S. INVOLVEMENT IN THE MIDDLE EAST

America's first commitment to the Middle East came after World War II. Soviet moves in Iran and Turkey and her encouragement of the Communist rebellion in Greece convinced President Truman that a new Russian offensive was in the making. When Great Britain abdicated her role of financial aid to Greece, the principal task of containing Soviet expansion fell to the United States. On March 12, 1947, President Truman asked Congress for $400 million for economic and military aid to Greece and Turkey to strengthen those countries against Communist aggression. This resulted in the *Truman Doctrine* of March 12, 1947, enunciating our policy of containment. Then in 1950, on May 25th, a Tripartite Agreement (France, Great Britain and the United States) was announced which stated that France, Britain and the U.S. would not permit any armed aggression across the armistice lines in Palestine; and if it took place, appropriate action against the aggressor would be taken "both within and outside the U.N." They also committed themselves to strive to maintain a balance in the supply of arms to Israel and the Arab states.

The Korean War confirmed U.S. suspicions of the Soviet's policy and resulted in an effort for the first time to create general defense arrangements in the Middle East. In the early 1950's under the leadership of then Secretary of State, John Foster Dulles, the United States tried to draw the Arab states into a western alliance without considering the Palestine problem. According to a study of this time by Ralph Magnus, Department of Political Science at the University of California at Berkeley:

"In 1953 Dulles personally visited the Middle East. His analysis emphasized the basic purpose of strengthening the area against Soviet aggression. There was, however, a new initiative to be taken toward this goal. Dulles reported: (1) that a regional defense organization must spring from the desires of peoples and governments; (2) most of the Middle East was unwilling at this time to join in a Western sponsored defense organization; and (3) the states of the "northern tier" closer to Russia and more fearful of aggression would be willing to form a regional defense organization."

Dulles' report, of course, was the origin of the Baghdad Pact, later transformed into the Central Treaty Organization (CENTRO). The speech given by the Secretary of State upon his return from the Middle East is excerpted as follows from "Documents on the Middle East." *United States Interests in the Middle East* as edited by Ralph H. Magnus and published by the American Enterprise Institute for Public Policy Research:

SIX MAJOR POLICY ISSUES

(Speech by Secretary of State Dulles (excerpts), June 1, 1953)

About 3 weeks ago, the Director for Mutual Security, Mr. Harold Stassen, and I and our associates set out, at President Eisenhower's request, on a trip to 12 countries which lie in between the Mediterranean in Europe and China in Asia. I shall give you our country-by-country impressions and then our general conclusions.

First, let me say that everywhere we were well received. This was encouraging, for several of the countries feel that the United States policies have, in recent years been harmful and even antagonistic to them. The Communists have vigorously exploited this feeling. They staged some hostile demonstrations. But these were inconsequential. The governments received us with warm hospitality, and as we drove through the streets, the people usually greeted us with friendly smiles and applause. The political leaders talked intimately with us, and we gained new friendships and new understanding which will stand us in good stead for the future. Also in each capital I spoke to all of the United States Foreign Service personnel. They are a fine body of men and women of whom we can be proud.

It is high time that the United States Government paid more attention to the Near East and South Asia, which, until our trip, no United States Secretary of State has ever visited. Our postwar attention has been primarily given to Western Europe. That area was and is very important, but not all-important.

It came as a surprising shock when the 450 million Chinese people, whom we had counted as friends, fell under Communist domination. There could be equally dangerous developments in the Near East and South Asia. The situation calls for urgent concern.

The area we visited contains about one-fourth of the world's population. It represents about one-half of the people of the world who are still free of Communist domination.

The Near East possesses great stategic im-

portance as the bridge between Europe, Asia, and Africa. The present masters of the Kremlin, following the lead of past military conquerors, covet this position. In 1940 Soviet leaders specified, in secret negotiations with the Nazis, that Soviet "territorial aspirations center . . . in the direction of the Indian Ocean and . . . the Persian Gulf."

This area contains important resources vital to our welfare—oil, manganese, chrome, mica, and other minerals. About 60 percent of the proven oil reserves of the world are in the Near East.

Most important of all, the Near East is the source of three great religions—the Jewish, the Christian, and the Moslem—which have for centuries exerted an immense influence throughout the world. Surely we cannot ignore the fate of the peoples who have first perceived and then passed on to us the great spiritual truths from which our own society derives its inner strength.

Let me turn now to conclusions.

1. *Colonialism.* Most of the peoples of the Near East and South Asia are deeply concerned about political independence for themselves and others. They are suspicious of the colonial powers. The United States too is suspect because, it is reasoned, our NATO alliance with France and Britain requires us to try to preserve or restore the old colonial interests of our allies.

I am convinced that United States policy has become unnecessarily ambiguous in this matter. The leaders of the countries I visited fully recognize that it would be a disaster if there were any break between the United States and Great Britain and France. They don't want this to happen. However, without breaking from the framework of Western unity, we can pursue our traditional dedication to political liberty. In reality, the Western powers can gain, rather than lose, from an orderly development of self-government.

I emphasize, however, the word "orderly." Let none forget that the Kremlin uses extreme nationalism to bait the trap by which it seeks to capture the dependent peoples.

2. *Living Standards.* The peoples of the Near East and Asia demand better standards of living, and the day is past when their aspirations can be ignored. The task is one primarily for the government and the peoples themselves. In some cases they can use their available resources, such as oil revenues, to better advantage. There are, however, ways in which the United States can usefully help, not with masses of money but by contributing advanced technical knowledge about transport, communication, fertilization, and use of water for irrigation. Mr. Stassen and I feel that money wisely spent for this area under the mutual security program will give the American people a good return in terms of better understanding and cooperation.

3. *Arab Good Will.* The United States should seek to allay the deep resentment against it that has resulted from the creation of Israel. In the past we had good relations with the Arab peoples. American educational institutions had built up a feeling of good will, and also American businessmen had won a good reputation in this area. There was mutual confidence to mutual advantage.

Today the Arab peoples are afraid that the United States will back the new State of Israel in aggressive expansion. They are more fearful of Zionism than of communism, and they fear lest the United States become the backer of expansionist Zionism.

On the other hand, the Israelis fear that ultimately the Arabs may try to push them into the sea.

In an effort to calm these contradictory fears the United States joined with Britain and France in a Declaration of May 25, 1950 which stated that "the three Governments, should they find that any of these states (of the Near East) was preparing to violate frontiers or armistice lines, would, consistently with their obligations as members of the United Nations, immediately take action, both within and outside the United Nations, to prevent such violation." That Declaration when made did not reassure the Arabs. It must be made clear that the present U.S. administration stands fully behind that Declaration. We cannot afford to be distrusted by millions who could be sturdy friends of freedom. They must not further swell the ranks of Communist dictators.

The leaders in Israel themselves agreed with us that United States policies should be impartial so as to win not only the respect and regard of the Israeli but also of the Arab peoples. We shall seek such policies.

4. *Peace Between Israel and the Arab Nations.* There is need for peace in the Near East. Today there is an uneasy military armistice between Israel and the Arab States, while economic warfare is being conducted by the Arab States, in retaliation for alleged Israeli encroachments. The area is enfeebled by fear and by wasteful measures which are inspired by fear and hate.

Israel should become part of the Near East community and cease to look upon itself, or be looked upon by others, as alien to this community. This is possible. To achieve it will require concessions on the part of both sides. But the gains to both will far outweigh the concessions required to win those gains.

The parties concerned have the primary responsibility of bringing peace to the area. But the United States will not hesitate by every appropriate means to use its influence to promote a step-by-step reduction of tension in the area and the conclusion of ultimate peace.

5. *Middle East Defense Organization.* A Middle East Defense Organization is a future rather than an immediate policy. Many of the Arab League countries are so engrossed with their quarrels with Israel or with Great Britain or France that they pay little heed to the menace of Soviet communism. However, there is more concern where the Soviet Union is near. In general, the northern tier of nations shows awareness of the danger.

There is a vague desire to have a collective security system. But no such system can be imposed from without. It should be designed and grow from within out of a sense of common destiny and common danger.

While awaiting the formal creation of a security association, the United States can usefully help strengthen the interrelated defense of those countries which want strength, not as against each other or the West, but to resist the common threat to all free peoples.

6. *Friendly Understanding.* In conclusion, let me recall that the primary purpose of our trip was to show friendliness and to develop understanding. These peoples we visited are proud peoples who have a great tradition and, I believe, a great future. We in the United States are better off if we respect and honor them, and learn the thoughts and aspirations which move them. It profits nothing merely to be critical of others.

President Eisenhower's administration plans to make friendship—not faultfinding—the basis of its foreign policy. President Eisenhower brought with him from Europe an unprecedented measure of understanding and personal friendships. Before he was inaugurated, he went to Korea. Twice since inauguration, Mr. Stassen and I have been to Europe. Now we have been to the Near East and South Asia. Later this month, the President's brother, Dr. Milton Eisenhower, and Assistant Secretary of State Cabot will go to South America.

Thus your Government is establishing the worldwide relationships and gathering the information which will enable us better to serve you, the American people.

The Baghdad Pact was initiated by a bilateral treaty between Turkey and Iraq (February, 1955), which were later joined by Iran (October, 1955), Pakistan (September, 1955), and Britain (April, 1955). It should also be noted that the States of the northern tier had already accomplished defensive arrangements in 1954. In April of 1954, Turkey and Pakistan signed a mutual defense compact. Then, in September of 1954, Pakistan joined SEATO. Turkey was already a member nation of NATO.

The United States, the originator of the concept behind the Baghdad Pact, never formally joined the pact. The inclusion of Iraq and the attempted recruitment of Jordan, Syria and Lebanon and the obvious exclusion of Egypt had led some historians of the Middle East to consider the Pact a divisive force in the Arab world.*

On September 27, Egypt announced that she was accepting a $200 million arms aid offer by the Soviet Union and Czechoslovakia. This action was the first time that western nations lost a major initiative in the Middle East to the East. Shortly after this move, the United States offered to finance the building of the Aswan Dam project in Egypt on December 17, 1955.

From February to April, 1956, tensions increased along the Israeli-Egypt border. The United States sent additional destroyers into the Mediterranean. Egypt received Czech torpedo boats; Israel received British and French arms; and the United States sent arms to Saudi Arabia. The United Nations attempted to reduce tensions in the area but with little success, and military pacts were formed between Arab nations.

France, during this period, was antagonistic to Nasser over his intransigency on the Algerian question. In the spring and summer of 1956, France began selling arms and planes to Israel. The United States facilitated the financing of these sales to Israel.

During this time Nasser recognized Red China on May 16, 1956. And, meeting reaction with reaction, Dulles, possibly under Congressional pressure, canceled the United States' offer to assist in the building of the Aswan Dam. As Magnus stated: "The stage was set for Nasser's nationalization of the Suez Canal and the Suez War of 1956."

Objecting to Egyptian nationalization of the Suez Canal Company on July 26, 1956, and Egyptian aid to the Algerian rebels, France and Britain on October 31 joined Israel in attacking Egypt. The brief fighting resulted in Israel opening the Strait of Tiran (which Egypt had refused to let Israel use since 1948) along with the Suez Canal. With U.S. and Soviet pressure (coupled with the Soviet threat to use nuclear weapons on Paris and London unless France and Britain withdraw from the Canal Zone), the United Nations General Assembly adopted a resolution for an immediate cease-fire and called for withdrawal of Israeli forces from behind the Egypt-Israeli armistice line. By November 7, Britain and France agreed to a cease-fire and to withdraw their troops as soon as the newly formed United Nations Emergency Force (UNEF) could take over their positions. On November 8, Israel agreed to withdraw its troops as soon as "satisfactory arrangements" were made with UNEF. On November 15, advance units of UNEF arrived in the Suez Canal Zone with the permission of Egypt and were stationed on the U.A.R. side of the Canal. The U.S. supported the arrangements of the U.N. Secretary General, Dag Hammarskjold, to have a U.N. Emergency Force placed on the Egyptian side of the Suez Canal to guarantee rights of passage. The *aide memoire* regarding this arrangement indicated that the U.N. Force was in the U.A.R. with the consent of the host country and could be removed at the request of the U.A.R. Israel would not permit a similar U.N. presence on her soil.

* For a full discussion of the Baghdad Pact, see John C. Campbell, *Defense of the Middle East*, 1960, Harper, New York, Chapter 5.

Dag Hammarskjold stated before the General Assembly in January, 1957, that:

"The United Nations cannot condone a change of the *status juris* resulting from military action contrary to the provisions of the Charter. The organization must, therefore, maintain that the *status juris* existing prior to such military action be reestablished by a withdrawal of troops and by the relinquishment of nullification of rights asserted in territories covered by the military action and depending on it.

The 1956 hostilities brought the Middle East further from peace. Israel opened the Strait of Tiran and announced that any future Egyptian attempts to close the Strait of Tiran would be a casus belli (occasion for war). The hostilities between the Arabs and Jews deepened.

On January 5, 1957, President Eisenhower requested that Congress give him authority to provide American economic aid and armed support to any Middle East nation desiring protection against "overt armed aggression from any nation controlled by international Communism." A resolution expressing the Eisenhower Doctrine was approved by the Senate in March. The Doctrine was supported by Saudi Arabia and the Baghdad Pact members, but was repudiated by the Soviets, Syria, Egypt, and the Labor Party leaders in London.

THE PERIOD BETWEEN 1956 AND 1967

The period between 1956 and the June war of 1967 was one of unrest and constant turmoil between Israel and the Arab states. Among the Arab countries many internal upheavals were experienced especially in Lebanon, Syria, Iraq and Yemen. There were a number of incidents among the Arab nations and Israel with the primary infractions involving Israel and Syria.

The United States again played an important part in Middle Eastern affairs during the Lebanese Crisis of May, 1958. Rioting took place in Lebanon which was blamed on outside Arab agitators from Syria. On July 4th, a U.N. investigating team reported that there was no evidence of Syrian incursions in Lebanon and called the conflict a civil war. On July 15, 1958, one day following the revolution in Iraq, the Lebanese Government requested U.S. help and Marines were sent to assist the troubled area. On the same day British troops entered Jordan at the request of King Hussein.

The military coup which happened simultaneously in Iraq toppled the regime of King Faisal and the new Iraqi Government denounced the Baghdad Pact mentioned earlier. Shortly thereafter, the new government concluded a mutual defense pact with the U.A.R.

On February 25, 1965 Secretary of State Dean Rusk said that the United States' policy in the Middle East was to maintain a military balance between the Arab countries and Israel.

According to a Committee on Foreign Relations Committee Print #28-406 Israel requested the United Nations on May 9, 1966 to list all the incidents that had occurred since the establishment of the Mixed Armistice Commission in 1949. U Thant refused claiming that such a report would be too long and unusable. The Committee print states that over 100,000 incidents had been reported since 1949.

THE SIX DAY WAR

The events leading to the outbreak of hostilities in June of 1967 are still not fully known. The most authoritative article on the causes of the 1967 war appeared in the January 1968 issue of *Foreign Affairs*, written by Ambassador Charles Yost. In order to allow a better understanding of this period in the history of the Middle East, I request unanimous consent that Ambassador Yost's article be printed in its entirety at this point:

THE ARAB-ISRAELI WAR: HOW IT BEGAN

(By Charles W. Yost)

The recent Six Day War in the Middle East grew out of the sterile confrontation to which the peoples of the region had committed themselves over the past twenty years. Both parties had frequently proclaimed their intention to go to war under certain circumstances. It seems unlikely, however, that any of them plotted and planned war for 1967. It seems more likely that they blundered into it.

Both sides might on many occasions have moved to end their confrontation by compromise, but this neither side showed the slightest willingness to do. The Israelis, feeling themselves beleaguered by fifty million hostile neighbors, acutely conscious of the recent fate of six million Jews in Europe, believed any significant concession would merely whet insatiable Arab appetites and start Israel down the slippery slope to extinction. The Arabs, looking upon the establishment of Israel as the latest in a series of imperialist occupations of their homeland, of which the presence of a million Palestine refugees was a constant reminder, found it emotionally and politically impossible to accept Israel as a permanent fact of life or to forego harassing it and conspiring against it.

This common intolerance and mutual harassment had brought on war in 1956. It is pertinent to note that, in his "Dairy of the Sinai Campaign" published in 1966, General Dayan wrote that the three major objects of that campaign from the Israeli point of view were "freedom of shipping for Israeli vessels in the Gulf of Aqaba; an end to the Feydayen terrorism; and a neutralization of the threat of attack on Israel by the joint Egypt-Syria-Jordan military command." With slight variations, these were the issues that brought on war again eleven years later.

II

Through the latter part of 1966, so-called "El Fatah" incursions into Israel, sometimes carried out by Palestinian refugees, sometimes moving through Jordan or Lebanon, but for the most part mounted in Syria, grew in numbers and intensity. In October two particularly serious incidents in which several Israelis were killed caused Israel to appeal, as it often had before, to the U.N. Security Council. However, a relatively mild resolution proposed by six of its members, calling on Syria to take stronger measures to prevent such incidents, was, as on previous occasions, vetoed by the Soviet Union in the supposed interests of its Arab friends.

A new and more radical Syrian government had come to power by coup d'état earlier that year. It enthusiastically supported the claims and machinations of the so-called Palestine Liberation Army which mobilized and inflamed the refugees and carried out some of the raids. The Syrian Prime Minister declared in a press conference in October: "We are not sentinels over Israel's security and are not the leash that restrains the revolution of the displaced and persecuted Palestinian people." Early in November, moreover, a "defense agreement" was concluded between Syria and the United Arab Republic, involving a joint military command and other measures of "coördination and integration" between the two countries.

It had long been Israel's practice, whenever it judged that Arab raids had reached an intolerable level, to retaliate massively. It did so on November 13 against Es Samu in Jordan where, according to U.N. observers, eighteen Jordanian soldiers and civilians were killed and fifty-four wounded. The fact that moderate Jordan rather than extremist Syria was the target of retaliation seemed illjudged to most of the world but was executed by Israel on grounds that there had recently been thirteen acts of sabotage committed on Israeli territory from Jordanian bases. Be that as it may, the consequences, in and out of the region, of this disproportionate and misplaced retaliation were considerable.

The U.N. Security Council, by a vote of fourteen to one abstention (New Zealand), censured Israel "for this large-scale military action in violation of the U.N. Charter and of the General Armistice Agreement between Israel and Jordan" and emphasized to Israel "that actions of military reprisal cannot be tolerated and that if they are repeated, the Security Council will have to consider further and more effective steps as envisaged in the Charter to ensure against the repetition of such acts."

Perhaps more important in its effect on subsequent events, the Jordanian Prime Minister in a press conference charged the U.A.R. and Syria, which had been denouncing King Hussein's government, with failing to bear their share of the confrontation against Israel. He accused the U.A.R. of failing to supply promised air cover and urged that Egyptian troops be withdrawn from Yemen and sent to Sinai on Israel's southern flank. The U.A.R. Commander-in-Chief of the Arab Command replied publicly with similar recriminations but the charges must have struck home to a régime so peculiarly sensitive to face and prestige.

From January to April 1967 the Syrian-Israeli frontier was agitated by an ascending series of clashes ranging from potshots at tractors plowing to exchanges of fire between tanks, artillery and aircraft. These clashes were primarily caused by the refusal of both sides, at different times, to permit the U.N. Mixed Armistice Commission even to mark the armistice line at disputed points and the insistence of both parties on farming and patrolling disputed areas.

On April 7, 1967, one of these clashes escalated into what in retrospect appears to have been the curtain-raiser to the six-day war. An exchange of fire between tanks gave rise to intervention first by Israeli and then by Syrian aircraft. This led by the end of the day to the appearance of Israeli planes over the outskirts of Damascus and to the shooting down of six Syrian planes.

The most serious aspect of this affair was that for the second time in six months Arab forces suffered a very bloody nose at the hands of Israel without the "unified Arab Command" in Cairo lifting a finger. President Nasser, who aspired to be leader of the Arab world and who had formally established a military apparatus at least for the containment of Israel, had sat quietly by while first his rival and then his ally had been conspicuously and roundly chastised. Neither the rival nor the ally hesitated publicly and privately to point out this dereliction. Nasser could of course reply, and perhaps did, that the El Fatah raids were excessive and untimely, that the Arabs must not be provoked into fighting before they were ready, and that the U.N. Emergency Force standing between his army and Israel blocked its coming to the rescue of his Arab allies. These excuses, however genuine and well-founded they may have been, were quite clearly wearing thin in the eyes of the Arabs after the April 7 affair. Those knowing President Nasser's temperament could hardly have felt any assurance that he would hold aloof a third time.

III

Yet the respite was brief. A month later, on May 11, the U.N. Secretary-General declared at a press luncheon: "I must say that, in the last few days, the El Fatah type of incidents have increased, unfortunately. Those incidents have occurred in the vicinity of the Lebanese and Syrian lines and are very deplorable, especially because, by their nature, they seem to indicate that the individuals who committed them have had more specialized training than has usually been evidenced in El Fatah incidents in the past. That type of activity is insidious, is contrary to the letter and spirit of the

Armistic Agreements and menaces the peace of the area."

On the same day, May 11, Israeli Prime Minister Eshkol was saying in a public speech in Tel Aviv that his government regarded this wave of sabotage and infiltration gravely. "In view of the fourteen incidents of the past month alone," he said, "we may have to adopt measures no less drastic than those of April 7." In a radio interview two days later he declared: "Is is quite clear to the Israeli Government that the focal point of the terrorists is in Syria, but we have laid down the principle that we shall choose the time, the place and the means to counter the aggressor." Eshkol went on to say that he intended to make Israeli defense forces powerful enough to deter aggression, to repel it and to strike a decisive blow within enemy territory.

It would appear that a senior Israeli military officer also made a public comment on or about May 12, the exact text of which it has not been possible to find but which, whether or not correctly understood, significantly contributed to Arab apprehensions. President Nasser referred to it in a speech on May 23, saying, "On May 12 a very important statement was made. . . . The statement said that the Israeli commanders have announced they would carry out military operations against Syria in order to occupy Damascus and overthrow the Syrian Government."

These Israeli exercises in verbal escalation provoked far more serious repercussions than they were no doubt intended to do and, far from sobering the exuberant Syrians and their allies, raised probably genuine fears in Damascus, Cairo and Moscow to a level which brought about the fatal decisions and events of the following week. Indeed the Secretary-General, disturbed that his statement of May 11 on the El Fatah raids might stimulate Israeli military action, announced on May 13 that that statement "cannot be interpreted as condoning resort to force by any party."

On the same day the Syrian Foreign Ministry summoned ambassadors from countries which were members of the Security Council and told them that a plot against Syria was being concocted by "imperialist and Zionist quarters." The Ministry described "the prearranged aggressive role Israel is preparing to play within the framework of this plot" which, it declared, "began with the abortive April 7 aggression" and was revealed by "statements of Zionist Chief of Staff Rabin."

Another component in the accumulating mass of explosive elements was mentioned by President Nasser in the famous speech of June 9 in which he offered to resign. He declared at that time: "We all know how the crisis began in the first half of last May. There was a plan by the enemy to invade Syria, and the statements by his politicians and his military commanders declared that frankly. The evidence was ample. The sources of our Syrian brothers and our own reliable information were categorical on this. Even our friends in the Soviet Union told the parliamentary delegation which was visiting Moscow last month that there was a calculated intention."

There seems little doubt that the Soviets did transmit warnings along these lines to the Syrian and Egyptian governments. Eastern European sources have justified these warnings on the grounds that the Israeli Government itself advised Soviet representatives that, if the El Fatah raids continued, it would take drastic punitive action against Syria. This was of course no more than they were saying publicly, but the Israelis may have hoped that direct notice to the Soviets might induce them to persuade their Syrian friends to stop the raids.

Indeed there is evidence that Israeli officials were at this time disseminating their warnings rather widely. *The New York Times* correspondent, James Feron, in Tel Aviv reported on May 12: "Some Israeli leaders have decided that the use of force against Syria may be the only way to curtail increasing terrorism. Any such Israeli reaction to continued infiltration would be of considerable strength but of short duration and limited in area. This has become apparent in talks with highly qualified and informed Israelis who have spoken in recent days against a background of mounting border violence."

However, these private warnings, coupled with the provocative pronouncements by Eshkol and others, would seem to have backfired by convincing the Soviets, Syrians and Egyptians that a major retaliatory strike against Syria was fixed and imminent. In a speech to the United Nations on June 19 Premier Kosygin declared: "In those days, the Soviet Government, and I believe others too, began receiving information to the effect that the Israeli Government had timed for the end of May a swift strike at Syria in order to crush it and then carry the fighting over into the territory of United Arab Republic."

On the other hand, the Israelis state that on May 12 the Director General of the Israeli Foreign Minister, on May 19 the Foreign Minister and on May 29 the Prime Minister each invited Soviet Ambassador Chuvakhin, who had accused Israel of massing forces on the Syrian border, to visit the area and see for himself, but that in each case he refused to do so. Furthermore, in his report to the Security Council on May 19, Secretary-General Thant had referred to allegations about troop movements and concentrations on the Israeli side of the Syrian border but concluded: "Reports from UNTSO observers have confirmed the absence of troop concentrations and significant troop movement on both sides of the line." U.S. representatives in Israel at the time also saw no evidence of the alleged troop concentrations. Moreover, on May 15 the Israeli Government, observing that Egyptian forces were crossing the Suez Canal into Sinai in considerable strength, instructed its Representative at the U.N., Ambassador Rafael, to request the Secretary-General to assure Cairo on its behalf that it had no intention of initiating any military action. The Secretary-General immediately complied with the request.

Nevertheless, it should also be noted that in the May 19 report referred to above the Secretary-General remarked: "Intemperate and bellicose utterances . . . are unfortunately more or less routine on both sides of the lines in the Near East. In recent weeks, however, reports emanating from Israel have attributed to some high officials in that state statements so threatening as to be particularly inflammatory in the sense that they could only heighten emotions and thereby increase tensions on the other side of the lines." Press accounts of these statements also seemed so inflammatory to U.S. State Department officials that they expressed concern to Israeli authorities.

The situation in mid-May was therefore the following: The aggravation of the El Fatah raids originating in Syria would seem to have brought the Israeli Government to the decision, announced publicly in general terms by responsible officials and confided in more specific terms to journalists and perhaps to foreign diplomats including the Soviets, to retaliate sharply and substantially if the raids continued. There is no solid evidence, however, that they intended anything so massive as a drive on Damascus. Nevertheless, this prospect had in both Moscow and Cairo an impact which the Israelis probably did not fully anticipate or correctly assess.

The Soviets had particular reason for not wishing to see the Syrian Government humiliated, defeated and perhaps overthrown. The increasingly radical Syrian governments which had assumed power during the previous eighteen months, though they were far from being communist (the Communist Party was and still is banned), had come to rely more and more on Soviet military and economic aid, to permit increasing numbers of Soviet advisers to be stationed in the country, and all in all to offer the most promising field for Soviet penetration and influence to be found anywhere in the Middle East. The particular Soviet concern for Syria was dramatically shown at the end of the six-day war when the prospect that Israeli forces might then drive to Damascus caused the Soviets suddenly to join in a demand, which they had up to that point stubbornly opposed, that U.N. observers police the cease-fire. It may well have been that by mid-May they genuinely feared massive Israeli retaliation which might topple the Syrian Government and that they therefore spurred the Egyptians on to vigorous counteraction, the full repercussions of which they did not foresee. In fear of "losing" Syria they overreached themselves and urged the Arabs to take action which resulted in much more disastrous losses for their side.

Nasser, for his part, saddled with repsonsibility for the unified Arab Command which was supposed to protect all the Arab States from Israel, jealous of his already damaged position as would-be leader of the Arab world, having been ridiculed by his allies and rivals for his failure to stir at the time of the Es Samu and April 7 affairs, categorically assured by Syrians and Soviets that Israel was about to attack Syria, for which public statements by Israeli leaders seemed to give warrant, may well have felt that he could no longer stand aside without fatal loss to his prestige and authority.

Israeli public statements between May 11 and 13, therefore, regardless of how they may have been intended, may well have been the spark that ignited the long accumulating tinder. On May 14 the Egyptian Chief of Staff to Damascus and, according to the Syrian official spokesman, discussed with Syrian officials "important matters concerning joint defense against Israel." On May 16 the Cairo radio announced that the United Arab Republic had declared a state or emergency for its armed forces because of "the tense situation on the Syrian-Israeli armistice lines, Israel's large military concentrations, its threats and its open demands for an attack on Damascus." On that same day, according to the Cairo radio, Foreign Minister Riad received the Soviet, Syrian and Iraqi Ambassadors in separate audiences and Minister of War Badran received the Soviet Ambassador accompanied by his military attaché. The fourth act of the tragedy was about to begin.

IV

At 2200 hours local time that evening, May 16, General Rikhye, Commander of the U.N. Emergency Force in Sinai, was handed the following letter from General Fawzi, Chief of Staff of the Egyptain Armed Forces: "To your information, I gave my instructions to all U.A.R. Armed Forces to be ready for action against Israel the moment it might carry out an aggressive action against any Arab country. Due to these instructions our troops are already concentrated in Sinai on our eastern borders. For the sake of complete security of all U.N. troops which install O.P.s along our border, I request that you issue your orders to withdraw all these troops immediately. I have given my instructions to our Commander of the eastern zone concerning this subject. Inform back the fulfillment of this request."

Secretary-General Thant received General Rikhye's report at 1730 hours New York time that same evening and an hour and a quarter later (at 1845 hours) at his urgent request received the U.A.R. representative to the

U.N., Ambassador El Kony, to whom he presented the following views: (1) General Rikhye could not take orders from anyone but the Secretary-General; (2) if General Fawzi was asking for a temporary withdrawal of UNEF from the Line this was unacceptable because UNEF "cannot be asked to stand aside in order to enable the two sides to resume fighting"; (3) if General Fawzi was asking for a general withdrawal of UNEF from Gaza and Sinai the request should have been addressed by the U.A.R. Government to the Secretary-General; (4) the U.A.R. Government had the right "to withdraw the consent which it gave in 1956 for the stationing of UNEF on the territory of the U.A.R."; (5) if the U.A.R. Government addressed such a request to the Secretary-General he "would order the withdrawal of all UNEF troops from Gaza and Sinai, simultaneously informing the General Assembly of what he was doing and why"; (6) a U.A.R. request for a temporary withdrawal of UNEF from the Line would be considered by the Secretary-General "as tantamount to a request for the complete withdrawal of UNEF from Gaza and Sinai, since this would reduce UNEF to ineffectiveness."

Early the next morning, May 17, Egyptian troops began to move into and beyond some UNEF positions along the Armistice Line. At noon G.M.T. that day General Fawzi conveyed to General Rikhye a request that the Jugoslav detachments of UNEF (which occupied the main portion of the Sinai Armistice Line) be withdrawn within 24 hours, adding, however, that the UNEF Commander might take "24 hours or so" to withdraw the UNEF detachment from Sharm el Sheikh (which commands the Straits of Tiran but is far distant from the Armistice Line).

Space permits only the briefest summary of the events which followed in rapid succession. On the afternoon of May 17 in New York the Secretary-General consulted with representatives of countries providing contingents to UNEF (Brazil, Canada, Denmark, India, Jugoslavia, Norway and Sweden). According to his subsequent report to the General Assembly, two of them expressed serious doubts about complying with "a peremptory request" for withdrawal and suggested reference to the Assembly, whereas two others maintained the United Arab Republic had the right to request withdrawal at any time and that request would have to be respected regardless of what the Assembly might say. Later that afternoon the Secretary-General presented to the U.A.R. Representative an aide-memoire reiterating the points he had made the previous evening and concluding that, if Egyptian troop movements up to the Line were maintained, he would "have no choice but to order the withdrawal of UNEF from Gaza and Sinai as expeditiously as possible."

The next morning, May 18, Foreign Minister Riad informed representatives in Cairo of nations with troops in UNEF that "UNEF had terminated its tasks in the U.A.R. and in the Gaza Strip and must depart from the above territory forthwith." At noon New York time the Secretary-General received a formal request from the Egyptian Foreign Minister to the same effect. That afternoon he met with the UNEF Advisory Committee where he encountered the same divergence of views as at the meeting the previous day but where the members finally acquiesced in his belief that, in the absence of any proposal to convene the Assembly, he "had no alternative other than to comply with the U.A.R.'s demand." He did so that same evening by a message to Foreign Minister Riad and by instructions to the UNEF Commander.

The immediate reaction of Israel also deserves mention. On the morning of May 18 the Secretary-General received the Israeli representative who presented his Government's view "that the UNEF withdrawal should not be achieved by a unilateral U.A.R. request alone and asserting Israel's right to a voice in the matter." When, however, the Secretary-General raised the possibility of stationing UNEF on the Israeli side of the line, the Representative replied that this would be "entirely unacceptable to his Government," thus reaffirming the position in regard to UNEF which Israel had taken ever since the establishment of the Force in 1956.

The intent and rationale of the decisions taken in Cairo during those critical days in mid-May are still shrouded in obscurity, while those taken in response in New York are still bedeviled by controversy. What seems reasonably clear is that, as so often in the prelude to war, the control of events slipped from everyone's hands and limited decisions hastily taken had sweeping consequences no one desired.

No doubt the Egyptian Government decided sometime between May 13 and 16 that, in view of its assessment of the threat to Syria, it must move some of its armed forces up to the Sinai Armistice Line in order either to deter Israel or to come to Syria's assistance if deterrence failed. Reliable Arab sources maintain that: (1) the U.A.R. Government had as late as May 16 no intention to request the withdrawal of UNEF; (2) it desired merely the removal of several UNEF posts along the Sinai Line which would inhibit the contemplated redeployment of Egyptian forces; (3) it saw no incompatibility between this redeployment and the continuance of UNEF in its other positions *including* Sharm el Sheikh; (4) the implementation of the redeployment was left to the military leaders who failed to consult the civilian authorities, including the President, about either the scope of the redeployment they intended to carry out or the demand addressed to General Rikhye on May 16; (5) when the Secretary-General confronted the U.A.R. Government with the naked choice between reversing the redeployment, to which its military leaders had publicly committed it, and requesting the withdrawal of UNEF, if felt obliged to choose the latter; (6) furthermore, when it unexpectedly found its forces once more in possession of Sharm el Sheikh, it felt it could not fail to exercise, as it had from 1954 to 1956, its "belligerent right" to forbid the passage of Israeli vessels and "war material" through the Strait.

As to the decisions taken in New York, the U.N. authorities have maintained that: (1) the indicated redeployment of U.A.R. forces *was* incompatible with the continuance of UNEF since it deprived UNEF of its essential function as a buffer between Egyptian and Israeli forces; (2) UNEF had hitherto been able to function effectively only because of an informal U.A.R. agreement that its forces would be held 2000 meters back from the Armistice Line in Sinai (Israeli forces patrolled right up to the Line); (3) once confrontation between the two forces was reestablished, conflict between them was, in the existing state of tension, very probable and UNEF units scattered among them would be wholly unable to prevent it; (4) two of the troop-contributing states, India and Jugoslavia, had made clear their intention to withdraw their contingents whatever the Secretary-General decided and others were likely to follow suit, with the probable result that UNEF would disintegrate in a disordered and ignominious fashion; (5) the U.A.R. Government had the legal right both to move its troops where it wished in its own territory and to insist on the withdrawal of UNEF at any time, just as Israel had the right to refuse it admittance; (6) if the U.N. contested that right, peacekeeping would become "occupation" and other governments would not in the future admit U.N. peacekeeping forces to their territories; (7) a reference of the Egyptian request to the Security Council or the Assembly would merely have produced, as subsequent events proved, a prolonged debate during which UNEF would have either disintegrated or been helplessly involved in war.

No conclusive judgment can be pronounced on these two lines of argument. What does seem apparent is that both the U.A.R. and the U.N., like Israel a few days before, acted precipitately and with little resort to diplomacy. If the Egyptian account is accurate, temporization on the part of the U.N. might conceivably have led to some modification in U.A.R. military dispositions which had not been authorized by its own government. It seems very doubtful, however, that in the prevailing state of emotion dispositions once taken, even without full authorizaiton, could have been reversed. By May 17 the crisis had already acquired a momentum which seemed inexorably to sweep all parties toward and over the brink.

Nevertheless, we can hardly fail to note parenthetically the serious shortcomings of a peacekeeping procedure whereby, as in this case, a U.N. force can be ordered out of a critical area at the very moment when the danger of war, which it is stationed there to prevent, becomes most acute. The fault, however, lies not with the U.N. but with the great powers whose rivalries ever since 1945 have blocked the application of the enforcement procedures provided by Chapter VII of the Charter, under which a U.N. military force could be, for example, interposed between two prospective combatants regardless of the objections of either or both. In the absence of great-power willingness to permit the Security Council to apply compulsion of that type, the U.N. has been obliged for many years to rely on a much more fragile form of peacekeeping whereunder a U.N. force, whatever may have been the arrangements under which it entered the territory of a state, can in practice remain there only so long as its government consents. Such was the situation in Sinai before May 16.

V

To return to the concluding events of that month: President Nasser on May 22 announced his intention to reinstitute the blockade against Israel in the Strait of Tiran. This was the final fatal step. Whether, in whatever advance planning did take place, it was contemplated that Sharm el Sheikh would be reoccupied and the blockade reimposed, or whether the military exceeded their orders and one step led to another in dizzy and unpremeditated succession, is not certain. There can hardly have been any doubt at any time, however, about the grave risks involved in restoring the blockade. It seems probable that the Russians were consulted about the redeployment of Egyptian forces and perhaps the subsequent request for the withdrawal of UNEF. Reliable Soviet sources have claimed, however, that they were not informed in advance of the reimposition of the blockade, implying that they would have objected had they known.

In any case, the reaction in Israel and elsewhere was immediate. On May 23 Prime Minister Eshkol declared in parliament: "The Knesset knows that any interference with freedom of shipping in the Gulf and in the Straits constitutes a flagrant violation of international law. . . . It constitutes an act of aggression against Israel." On the same day President Johnson declared in Washington: "The United States considers the Gulf to be an international waterway and feels that a blockade of Israeli shipping is illegal and potentially disastrous to the cause of peace. The right of free, innocent passage of the international waterway is a vital interest of the international community."

Unavailing efforts were made to persuade President Nasser to revoke, suspend or moderate the blockade but, the action once taken, he did not feel politically free to reverse it, even had he so desired. Equally un-

availing were efforts made to forestall a unilateral Israeli response by organizing a group of maritime powers to issue a declaration reaffirming the right of free passage through the Strait and presumably, if passage continued to be denied, to take effective multilateral action to reopen it. Very few maritime powers showed any interest in participating in a confrontation with Nasser and the Arab world, nor did members of the U.S. Congress who were consulted manifest any enthusiasm for risking another conflict in addition to Viet Nam. The exploratory dialogue between the U.S. and the U.A.R., however, continued up until the outbreak of war; as late as June 4 an agreement was announced that U.A.R. Vice President Mohieddin would visit Washington within the next few days and Vice President Humphrey would later return the visit.

In the meantime, however, the crisis had assumed proportions far beyond an argument over maritime rights. The advance of the Egyptian forces to the Armistice Line, the ouster of UNEF and the reimposition of the blockade were received with enormous enthusiasm throughout the Arab world. All the pent-up emotions which had been accumulating for twenty years, and which were continually refreshed by armed clashes, inflammatory propaganda and the presence of a million refugees, erupted in paeans of triumph from Baghdad to Marrakesh.

Nasser's prestige, which had been falling for some time, rebounded overnight. Expressions of solidarity poured in. Iraq, Algeria, Kuwait and Sudan promised troops. In a startling reversal of long-standing hostility, King Hussein of Jordan appeared in Cairo on May 30 and concluded a mutual defense pact with the U.A.R. which a few days later was extended to Iraq. The armed forces of Egypt, Jordan and Syria were more and more concentrated around Israel's frontiers and there seemed every likelihood they would soon be reinforced by other Arab states.

This Arab euphoria, moreover, led also to verbal exaltation which could not have been without its effect on Israel. For instance, the Syrian Chief of State, Dr. Al-Atasi, said in a speech on May 22: "Arab Palestinians who were expelled from their homeland now realize that armed struggle is the only way to regain their homeland. . . . The state of gangs [Israel] will not benefit by blaming others for inciting fedayeen activities. The cause of these activities is the aggressive Zionist existence itself. Let Israel know that the Palestinian fedayeen activities will continue until they liberate their homeland." In a speech addressed on June 1 to troops departing for the "frontlines" in Jordan, President Arif of Iraq declared: "It was treason and politics that brought about the creation of Israel. Brethren and sons, this is the day of the battle to revenge your martyred brethren who fell in 1948. It is the day to wash away the stigma. We shall, God willing, meet in Tel Aviv and Haifa."

Yet even at this late date, despite all these verbal pyrotechnics and concentrations of force, there does not seem to have been any intention in Cairo to initate a war. In reply to a question by British M. P. Christopher Mayhew interviewing Nasser on June 2, "And if they do not attack, will you let them alone?" the President said, "Yes, we will leave them alone. We have no intention of attacking Israel." Similar assurances were repeatedly given the United States by the highest Egyptian authorities.

There seems little reason to doubt them. Nasser had up to that point achieved a spectacular victory. Arab unity seemed closer to reality than it had ever been. Israel had suffered a serious setback in prestige, power and security. The mood in Cairo was an odd mixture of exaltation and fatalism, exaltation over what had been achieved, fatalism before the inescapable realization that Israel might prefer war to a political defeat of this magnitude. There was a clear understanding that Israel might attack at any time, no overweening confidence as to the outcome, but a determination to defend, whatever the costs, the intoxicating gains which had been won. Whether this determination might have been overcome by negotiation over a period of time, for example by the visits of the Vice Presidents between Cairo and Washington, cannot be known for certain. In view of the support which the Soviet Union was providing its Arab friends, this seems unlikely.

In any case the Israeli Government obviously decided that it could not wait. All the factors which had induced it to go to war in 1956—a multiplication of raids into its territory, a substantial build-up of Egyptian and other hostile forces on its borders, the blockade of the Strait—had reappeared in even more aggravated form. Efforts of the U.N. and the U.S. to relieve them by international action seemed unavailing. On May 30 Foreign Minister Eban said in a press conference in Jerusalem: "Less than two weeks ago a change took place in the security balance in this region. The two most spectacular signs of this change were the illegal attempt to blockade the international passageway at the Strait of Tiran and the Gulf of Aqaba and the abnormal buildup of Egyptian troops on the Israeli frontier. The Government and people of Israel intend to insure that these two changes are rescinded, and in the shortest possible time." Six days later Israel struck with this end in view; twelve days later it had achieved its objective, and much more beside.

VI

It is not difficult in retrospect to identify the ventures and responses on both sides which over preceding months and weeks, compounding the hatreds which had been allowed to fester for twenty years, led almost inevitably to war.

First were the El Fatah raids, organized from Syria, involving the "Palestine Liberation Army," subjecting peaceful Israeli villages to recurrent jeopardy and terror, building up through the months from October to May, unpunished and, because of the Soviet veto, even uncensured by the U.N. Security Council. Remembering the history of the previous twelve years it is difficult to see how any Arab or Soviet leader could have failed to realize that this murderous campaign would eventually bring forth a murderous response.

Second were the Israeli "massive retaliations" at Es Samu in November and in the air over Syria and Jordan in April, designed to punish and deter, but disproportionate in size, visibility and political impact, causing also the death of innocent people, condemned by the Security Council in the strongest terms in November, as similar disproportionate retaliations had been repeatedly condemned in the past. It is difficult to see how any Israeli leader could have failed to foresee that such repeated massive reprisals must eventually place the leader of the Arab coalition in a position where he would have to respond.

Third were the public and private statements of high Israeli authorities in mid-May which indicated the probability of even more drastic retaliation against Syria in the near future if the El Fatah raids continued. These statements, even though no doubt designed to deter the raids, almost certainly convinced the Syrian and U.A.R. Governments that such retaliation was definitely projected and may well have persuaded them and the Soviets that the Syrian régime itself was in jeopardy.

Fourth was the decision by the U.A.R. Government presumably encouraged by Soviets and Syrians, to move its armed forces up to the Sinai Armistice Line, thus reestablishing at a moment of acute tension the direct Egyptian-Israeli military confrontation which had been the major immediate cause of the 1956 war. This redeployment of Egyptian forces was under the circumstances critical whether or not it was originally intended to be accompanied by a demand that UNEF be withdrawn.

Fifth and finally was the decision of the U.A.R. Government, finding itself whether by intent or accident once more in command of the Strait of Tiran, to exercise its "belligerent rights" by reimposing the blockade, thus reproducing the third of the elements which had brought on the 1956 war. The likely consequences of this step were indeed foreseen but, in the climate of fear, passion and "national honor" which by then prevailed, were faced with fatalism and desperation.

It remains, however, the thesis of this article that no government plotted or intended to start a war in the Middle East in the spring of 1967. Syria mounted raids against Israel as it had been doing for years, but more intensively and effectively; Israel retaliated disproportionately as it often had before, but in more rapid succession and in a way that seemed to threaten the existence of the Arab government; Nasser felt his responsibilities and ambitions in the Arab world did not permit him again to stand aside in such a contingency and took hasty and ill-calculated measures which made major conflict, already probable, practically certain. All concerned overreacted outrageously. Yet there is no evidence—quite the contrary—that either Nasser or the Israeli Government or even the Syrian Government wanted and sought a major war at this juncture.

Of course the fault of all of them, and indeed of the great powers and the United Nations, lay not so much in their actions or omissions in May and June 1967 as in their failure, indeed their common blunt refusal, to face the facts of life in the Middle East during the twenty years before that date.

There will be no peace there, no security for its inhabitants or for the great powers involved there, until the Arabs recognize that Israel, however unjust its creation appears to them, is a fact of life, that it has as much right to exist as they have, that to threaten and harass it, to arouse among their people false hopes about its dissolution, is actually as much a threat to Arab as to Israeli security, that the two equally have more to gain than lose by peaceful coexistence. On the other hand, there will also be no peace in the Middle East until the Israelis recognize that the condition of their long-term survival as a nation is reconciliation with their much more numerous Arab neighbors, that survival cannot indefinitely be preserved by military force or territorial expansion, that displays of inflexibility and arrogance are not effective modes of international intercourse, and that in particular there will be no security for Israel until, whatever the political and financial cost, the million or more Palestine refugees have been compensated, resettled and restored to dignity.

THE AFTERMATH OF THE SIX DAY WAR

Approximately thirty-six hours after the fighting started, in June 1967, a cease-fire resolution was unanimously adopted by the Security Council containing the request for a cessation of hostilities. No reference was made to withdrawal to boundaries prior to the war, which has been a common element of U.N. resolutions in conflict situations.

According to a Senate Foreign Relations Committee Print of May 1969 the losses on both sides of the conflict amounted to the following: Israel lost 679 men as compared to the death of 15,000 Arabs. Aircraft losses compared 21 to 441; tanks, 61 to 670.

Whether it was the superior quality of the weapons or the dedication and competence of the military leaders that brought Israel her overwhelming victory is of little importance. Of more significance is the outcome of the conflict. Actually the dispute settled

little, except to intensify the bitterness and tensions between the Arabs and the Israelis. The boundaries of Israel were even more in dispute with the West Bank of Jordan, the Gaza Strip, and the Sharm-al-Sheikh sector of the Sinai Peninsula added to Israeli territory. The war left Israel with the firm intention of holding all of the occupied territory as a bargaining device for treaties and guarantees that it believed would insure peace and security. The refugee problem was enhanced rather than subdued adding an additional 150,000 Palestinians to the refugee roles for the first time. And not only was there a failure to reopen the Strait of Tiran to international shipping but the Suez Canal remained blocked and shut down. In fact even arms shipments resumed in a matter of months. The Soviet Union was reported to have replaced over half of the Egyptian armament losses by September 1967, and in October the United States announced its decision to resume its arms shipments to Israel, Saudi Arabia and Lebanon.

Debate soon began over the conditions for the establishment of a formula for peace. The Israelis, supported by the United States, United Kingdom, and other Western Powers, wanted to guarantee their security through, among other things, a binding commitment by the Arabs to end their state of belligerency. The Arabs, supported by the Indians, many developing countries, and the Soviets, urged that withdrawal should be a prerequisite to the establishment of a lasting peace and the settlement of outstanding issues. This general lineup continued through the Security Council meetings and the emergency special session of the General Assembly which was held during the summer. At this session, a draft resolution submitted by the Latin American countries and containing many of the elements of the later November resolution was rejected by the Arab states. Other resolutions on special aspects of the crisis, such as the refugees and the status of Jerusalem, had been passed by the UN immediately following the June war, but were not implemented.

THE NOVEMBER 22D RESOLUTION

In November 1967 the Security Council met again, and the United Kingdom proposed a compromise resolution which coupled withdrawal with the achievement of a just and lasting peace, taking into consideration the position of all parties. The United States was one of the major architects of the resolution which embodied many of the same points President Johnson had enunciated in his speech of June 19, 1967. Specifically, the Security Council Resolution states that:

TEXT OF UNITED NATIONS SECURITY COUNCIL RESOLUTION 242 OF NOVEMBER 22, 1967

The Security Council,

Expressing its continuing concern with the grave situation in the Middle East,

Emphasizing the inadmissibility of the acquisition of territory by war and the need to work for a just and lasting peace in which every State in the area can live in security,

Emphasizing further that all Member States in their acceptance of the Charter of the United Nations have undertaken a commitment to act in accordance with Article 2 of the Charter,

1. Affirms that the fulfillment of Charter principles requires the establishment of a just and lasting peace in the Middle East which should include the application of both the following principles:

(i) Withdrawal of Israeli armed forces from territories occupied in the recent conflict;

(ii) Termination of all claims or states of belligerency and respect for and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries free from threats or acts of force;

2. Affirms further the necessity

(a) For guaranteeing freedom of navigation through international waterways in the area;

(b) For achieving a just settlement of the refugee problem;

(c) For guaranteeing the territorial inviolability and political independence of every State in the area, through measures including the establishment of demilitarized zones;

3. Requests the Secretary-General to designate a Special Representative to proceed to the Middle East to establish and maintain contacts with the States concerned in order to promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles of this resolution.

4. Requests the Secretary-General to report to the Security Council on the progress of the efforts of the Special Representative as soon as possible.

Shortly after its formulation the governments of Jordan and the United Arab Republic accepted the resolution in toto as self-fulfilling; as a literal formula for peace; Syria rejected it entirely. The Arabs claimed that withdrawal should be total and the refugees should have the option of repatriation or compensation in accordance with past United Nations resolutions.

The Israelis, on the other hand, delayed acceptance of the resolution. Israeli acceptance included the stipulation that implementation should be by agreement, which to them meant direct talks between the parties. In addition, they stressed terminating the state of belligerency through a formal peace treaty contractually agreed upon through direct negotiations. Emphasis was placed on "secure and recognized boundaries". They stated that the status of Jerusalem was not negotiable and no indication was given regarding the right of the original inhabitants to return to occupied territory. Their position was generally supported by the Johnson Administration in spite of the advice of many United States Government experts in Middle East affairs who warned that an early settlement was desirable to avoid prolonged occupation which would incite the Arab states; endanger the prospects for a lasting settlement; and threaten the long-range securtiy of Israel in the area as well.

Had the resolution been implemented immediately the tragedy of the past three years would have been avoided. However, the major powers agreed that the United Nations mediator should alone, "promote agreement and assist efforts to achieve a peaceful and accepted settlement in accordance with the provisions and principles in the resolution;". While providing behind-the-scenes advice, the major powers nevertheless played a passive role for a year and a half as Ambassador Gunnar Jarring commuted from one Middle East capital to another in search of a breakthrough.

Meanwhile, events on the ground outpaced the progress of diplomacy.

While Arab governments continued to voice their acceptance of the November Resolution and a political solution, the Arab masses and intellectuals became incited over the continuing presence of Israel in occupied Arab territory, her annexation of Jerusalem; and the critical condition of the refugees, whose numbers had increased since the June War. The frustration was demonstrated by the increased growth of a "third force", the commando—or resistance movement—which has rejected the United Nations Resolution and a political solution. The continuing thrust of this movement is to de-Zionize Israel, to re-create a state where Jew, Muslim and Christian could live as equals as they had prior to 1947. Disillusioned by the failure of the United Nations and the Arab governments to achieve a political solution to their problem, the Palestinian commandos appeared in the forefront of the Arab world as a revolutionary, political and social movement in opposition to the status quo.

The existence of the commandos set a limit on the flexibility of the Arab governments who think they have compromised as much as they can without losing their power. The commandos present a challenging case that as Palestinians they are the core of the Middle East problem and should therefore be consulted on the solution.

Meanwhile, as the diplomatic impasse continued the resistance-retaliation cycle escalated and hung over the area like a threatening storm—with all parties to the conflict hardening their positions.

With the realization that time was running out, the Nixon administration accepts the proposal of the French to engage in four power talks to assist Ambassador Gunnar Jarring in delineating procedural and substantive areas of agreement vis à vis the November Resolution. The Arab States welcomed the involvement of the major powers in the hope that as "honest brokers" they could exert their influence to obtain a binding peace settlement. Moreover, it would provide a face-saving device and would be in keeping with the Arab tradition of third party mediation.

The Israelis objected to the Big Four meetings on the grounds that the intervention of the major powers would let the Arabs off the hook, would be a substitute for direct negotiations, and would tend to have results that favored the Arab States. They claimed that while the Soviets and the French were entirely pro-Arab, the United States and the United Kingdom were anxious to remain friends of both Arab and Israeli, and they would have no outspoken advocate for their own position.

In the past months military activities in the Middle East have escalated for a point short of full scale war. Meanwhile, acrimonious debate wages not only in the international arena, but in the domestic life of nations, where partisan groups increase the polarization of views. Americans must ask themselves what is in the interests of not only the United States, but world peace, and then support conciliatory steps through bilateral and mililateral channels that will bring this about. Such a peace must be based upon trust between the parties concerned, which is, in itself, the only guarantee for security for any nation and people.

As the current 24th session of the General Assembly progresses, renewed efforts are underway by the United Nations, the Big Four and through bilateral talks between the U.S. and U.S.S.R. But time has almost run out. (As U Thant stated in the introduction to his annual report: "What is now at stake is the future of the whole Middle East area and everyone in it. This somber fact alone should discourage any tendency towards either too much bargaining over substance or bickering over procedure. The issues, admittedly, are extremely vital to the parties. But given the alternative, can any issue be more vital than peace?")

REFERENCES

1. For the documents used or referred to in this paper see also, Walter Laqueur, Editor, *Israel-Arab Reader*, New York, Bantam, 1969 and J. C. Hurewitz, *Diplomacy in the Near and Middle East*, Two Volumes, Princeton, Van Nostrand, 1956.

2. Kennett Love, *Suez: The Twice Fought War*, New York, McGraw-Hill, 1969, p. 118.

3. "A Select Chronology and Background Documents Relating to the Middle East", Committee on Foreign Relations, United States Senate, May 1969.

4. Dr. Harry N. Howard, Adjunct Professor of Middle East Studies, The School of International Service, American University, Washington, D.C.

5. "United States Policy in the Near East

Crisis", reprint from the Department of State Bulletin as revised July 1969, publication 8269.

6. The Foreign Affairs Division of the Legislative Reference Service.

7. "Documents on the Middle East", edited by Ralph H. Magnus, American Enterprise Institute for Public Policy Research, July 1969.

8. Don Peretz, *The Middle East*, Boston, Houghton Mifflin Co., 1969.

9. John S. Badeau, *The American Approach to the Arab World*, New York, Harper and Row Inc., 1968.

10. John C. Campbell, *Defense of the Middle East: Problems of American Policy*, New York, Frederick A. Praeger, 1961.

11. George Lenczowski (ed.), *The United States Interests in the Middle East*, Washington, D.C., American Enterprise Institute for Public Policy Research, 1968.

12. Nadav Safran, *The United States and Israel*, Cambridge, Mass., Harvard Press, 1963.

13. John Davis, *Evasive Peace*, London, John Murray Ltd., 1968.

14. Elmo Hutchinson, *Violent Truce*, New York, Devin Adair Co., 1956.

15. A. J. Arberry (ed.), *Religion in the Middle East*, New York, Cambridge University Press, 1969.

16. Chaim Weizmann, *Trial and Error*, New York, Schocken Books, Inc., 1966.

17. Foreign Relations of the United States, 1945, Volume VIII.

18. *U.N. Yearbooks*, 1948–68.

19. *Royal Institute of International Affairs*, George Kirk, The Middle East, 1945–50, Oxford 1954.

20. Christian H. Jones, *Ten Years of Service: Near East Christian Council Committee for Refugee Work*, Jersusalem 1960.

21. State Department.

22. Final Report of the United Nations Economic Survey Mission for the Middle East, Part I. The Final Report and Appendices Part II.

23. I. F. Stone, "For a New Approach to the Israeli-Arab Conflict", reprinted in Walter Laqueur, ed., The Israel-Arab Reader, New York, Bantam, 1969.

24. United Nations Relief and Works Agency publications.

25. The American Friends Service Committee.

26. Richard H. Pfaff (ed.), *Jerusalem: Keystone of an Arab-Israeli Settlement*, Washington, D.C. American Enterprise Institute for Public Policy Research, August 1969.

Mr. HATFIELD. Mr. President, culturally, historically, economically, and militarily the United States is deeply involved in the Middle East. In addition to our well-known religious roots in the area, American interests took a new step in the form of educational, philanthropic and missionary efforts as early as 1819. By the turn of the century there were nearly 300 privately funded and operated American schools in Lebanon, Syria, Palestine and Egypt. By the end of World War II, public funds were being spent to support such institutions as the American University of Beirut, 1866, Robert College, 1863, and the American University in Cairo, 1919.

With the Second World War, our economic interest also increased. Although the United States only imports 5 per cent of its oil from the Middle East, private investment and trade with the area have resulted in substantial income to American businessmen and a favorable balance of trade for the United States—over $656.2 million in 1969 alone.

For three decades, the Middle East and the Mediterranean region have been of great strategic importance to the United States. In 1947, the Truman Doctrine was enunciated, and in 1953 our country helped foster the Baghdad Pact, transformed in 1959 into CENTO, as a containment policy directed against the Soviet Union. Most important, however, has been our interest in the creation and the continued existence of Israel.

In my 1968 visit to Israel, I had the privilege of meeting with Abba Eban, Jerusalem's Mayor Teddy Kollek, and then Prime Minister Levi Eshkol. A year later, this last December, I was the first U.S. official to speak with Prime Minister Golda Meir after Secretary of State Rogers' statement of December 9, 1969, on U.S. policy in the Middle East. Mrs. Meir exuded the strength of character and independence for which she is well known and she told me that Israel is a land of miracles and has had to depend on miracles for its continued existence. Israel can only lose once in a military confrontation, the Prime Minister stressed; there is no second chance.

During my recent trip to Israel, I went to the Gesher Kibbutz. There, a short distance from the Israel-Jordan border, the inhabitants' homes and buildings are connected by trenches because of almost daily shelling. Every night of their lives, the children of this kibbutz have slept in underground shelters in fear of artillery fire. It is conditions like these on the Israel side of the border that are breeding hatred and bitterness in the lives of such people.

The economic burden of Israel's military posture has been staggering. This year she is spending approximately 25 percent of her gross national product on defense. This would be equivalent to the United States tripling its present defense budget. The price she is paying in loss of manpower, the losses to her economy, and the debilitating effects of maintaining a wartime psychology, is taking its toll.

On the other side of the Israel-Jordan border, I visited Baqa, one of six refugee camps outside Amman, Jordan. Between 35,000 and 40,000 refugees live in this one camp. These people eat and sleep in one-room tents which house 10 or 11 individuals. Many of the tents do not have floors, so the inhabitants live in dirt and mud. One can easily understand why these factors as such could be the breeding ground for hatred and animosity.

But these Palestinians assert that even a greater wrong has been perpetrated against them. They feel that they were immorally and illegally driven from their homes in Palestine by the Zionists in 1948; some of these Palestinians became refugees for a second time in 1967.

These various factors have formed the basis of the creation of the Fedayeen, the Palestinian guerrillas. It is through these commando groups that some refugees express their hostility and despair as well as their hope for the future. This animosity is being directed not only at Israel, but also at the United States, other great powers and even certain Arab governments.

It is my view that we in the United States tend to look at the Arab countries as a monolith, similar to the mistaken monolithic perspective we have had toward Communist countries. This is a false impression, for each of the Arab countries is unique.

In Jordan the refugees comprise over one-half of that nation's 2.2 million population. For the 4 years prior to the 6-day war in June 1967, Jordan was averaging a growth rate in the per capita gross national product of 8.8 percent per year. At that time the West Bank was producing 40 percent of the national income, contained about one-half of Jordan's industrial establishments, and one-quarter of her cultivable land. Jordan lost the West Bank in the 6-day war. Her economy was devastated. These events have contributed to a highly delicate balance within the country—a balance which now appears to be thoroughly eroded and shattered.

Lebanon, historically a close friend of the United States, also is plagued with grave internal tensions. Eighty-six percent of its people are literate. Fifty-one percent are Christian and 49 percent Moslem. The majority of the seats in their legislature are held by Christians, the President is Christian, and the Prime Minister is Moslem. Palestinians comprise more than 10 percent of the Lebanese population. In October 1969 battles between the government and the guerrillas took place, resulting in a compromise allowing the guerrillas freedom to operate in southern Lebanon. But this tense relationship continues to undermine the internal stability of the country.

In both Jordan and Lebanon there are deep divisions and conflicting loyalties; but the growing strength of sentiment for uncompromised Arab nationalism is clearly evident. Deep concern over the policies of the U.S. Government was expressed to me by people in both countries. This concern was based on a constantly repeated desire for friendly relations between these two countries—Lebanon and Jordan—and the United States. Leaders in both Lebanon and Jordan stressed that our country's seeming insensitivity to the problems faced by the Arab countries and the Palestinians is alienating them from the United States and undermining our traditional friendship.

A similar situation exists in Kuwait, one of the most unique nations in the world. Because of her oil resources, she has created a per capita income of more than $3,200 and has perhaps the most comprehensive program of social welfare in the world. There is no poverty to speak of, no taxes, a guaranteed annual income for all citizens, universal medical care and free education—including study abroad—for as long as one wishes and succeeds in one's studies.

Further, it is in Kuwait that I had an indication of the growing force throughout the Arab world: women. It is only recently that the women in Kuwait have removed the veil and have been granted semiequality with men. At Kuwait University they comprise almost one-half of the enrollment, but the interesting fact is that in certain areas they are excelling the men in their academic endeavors. The Arab woman has historically played a secondary role in society. But

as she is unfettered from the old traditions, she is becoming a highly potent force, as is already proven by her dynamic role not only in Kuwait but in Lebanon, the United Arab Republic, and other Arab countries as well.

While I was in Kuwait, I talked with many officials, including the Amir, the Crown Prince, and the Minister of Foreign Affairs. As did officials in Lebanon and Jordan, they expressed their dismay and regret about the U.S. policy in the Middle East. They warned me that our cultural, economic, and diplomatic interests in the Arab world are in the most serious jeopardy, as our policy appears too often to be insensitive to their interests and grievances.

Israel, Jordan, Lebanon, and Kuwait are four of the many host countries for the Palestine refugees. Refugee camps are provided for by the United Nations Relief and Works Agency (UNRWA). In 1969 UNRWA's meager resources made available only 10 cents per day per refugee: 5 cents for food, 4 cents for education and technical training, and 1 cent for medical care and sanitation.

Palestinians are historically an agricultural people. Those few, approximately 30 percent of the total, who had technical skills when they were displaced in 1948 were easily absorbed into the surrounding countries at that time. Most of the displaced Palestinians—there are approximately 2½ million Palestinians in the world today—however, had no marketable skills and were consequently forced to stay in camps. Subsequently, during the past two decades, two generations of Palestinians have had little if any opportunity to learn the simple skills of their fathers and are now without any vocational abilities whatsoever. Only 2 percent of the refugees have been able to acquire marketable skills as a result of UNRWA projects. These conditions only intensify the radicalization that two decades of forced homelessness causes, and has formed the basis for the growth of the Palestinian refugees into a distinct political and military force in the Middle East.

One aspect of this question emerged during a conversation with former Prime Minister Levi Eshkol during my visit to Israel in 1968. He told me that the Jews have been a minority wherever they have lived throughout history and that they will not be a minority again. Non-Jews cannot be allowed to live in large numbers in Israel, he said, let alone participate in the government. Thus, Israel cannot allow the Palestinians to return and grant them a vote for fear that the Jews again would be forced into a minority status within their own country. Yet, it is the denial, in principle, of the right for Palestinians to return to their former homelands which remains as the central grievance in the conflict.

The Holy Land is the birthplace of three of the world's major religions: Christianity, Judaism, and Islam. As a consequence, there are deeply felt emotions about the area by millions of people around the world. The Jews have for almost 2,000 years searched for a homeland, and they feel that they have one now. And as we well remember, this has been a quest of suffering and tragedy which was climaxed by World War II. The questions of theocracy and secularism is one that has serious implications for the entire Middle East, not only for Israel and the Arab States, but for the status of Jerusalem as well.

Through my talks with Prime Minister Meir and moderate Arab leaders I remain firmly convinced that they are genuinely searching for and desire a lasting peace in that troubled part of the world. But voices of moderation are diminishing and polarization is increasing. If countries which have heretofore been mollifying influences in the area are further alienated, chances for peace in a rapidly escalating confrontation will be severely curtailed. For instance, the governments of Jordan and Lebanon are in imminent danger of overthrow which if accomplished would not only increase polarization but draw the world closer to a major conflict as well.

U.S. policy and aid has had a major influence on the events in the Middle East and must bear part of the responsibility for the current situation. Prior to 1967, we had exchange programs with six Arab countries—Iraq, Jordan, Lebanon, Saudi Arabia, Syria, and the United Arab Republic—with a total of 551 grants being given since 1949—92 to Israel during the same period. Since 1967 there have been no grants given to four of the six countries. There is further evidence of our inconsistency and inappropriate emphasis in aid policies to the countries in the Middle East. For fiscal 1967 our deliveries under our military assistance programs to Jordan and Lebanon were $11.9 million and $100,000, respectively. After the Six Day War this aid was reduced 80 percent in Jordan and remained the same in Lebanon. During the 14 years preceding the June 1967 war, the United States gave $500 million of AID to Jordan but these funds were drastically curtailed after the Six Day War when we completely terminated direct budget support. By contrast, as of December 1967, Israel had received since its formation approximately $1 billion in economic aid, about $1 billion in private purchases of Israel bonds and over $1 billion in private gifts from the United States. Although it might be pointed out that the United States has given to UNRWA over $455,000 since May of 1950, nearly 60 percent of its total income for the 20-year period, a better criteria is that of one's ability to give, the gross national product.

In viewing the problems faced by the Palestinian refugees and the priorities which our Nation has given them, particularly when one compares the United States with other Western countries, an interesting picture develops. For instance, in 1968 Canada contributed 0.16 percent of its gross national product to UNWRA; France, 0.01 percent; Sweden, 0.01 percent; the United Kingdom, 0.004 percent; the United States, 0.002 percent. The United States, in other words is fifth in proportionate contributions of the Western countries in trying to aid the refugees—refugees which we have been, in part, responsible for creating.

In the extensive debate and analysis given to the problems of the Middle East, we have focused most of our attention upon the political and diplomatic complexities which seem to defy any resolution. Yet, there is another dimension to the enduring tensions in the Middle East which transcends the political difficulties. This is the tragic and intensive human suffering in this area. We must never forget that no mere diplomatic settlement on paper will be of any validity unless it is coupled with some hope for an end to the plight of millions who suffer under the current conditions of deprivation in these areas. Political tensions cannot be reduced without also defusing the underlying bitterness and hostility felt by those who suffer. People must not only have hope that they will live under a government that insures this security and expresses this national identity; they must also have the hope that they and their children will have enough bread to eat, clothes to wear, and the opportunity to become a productive member of society.

It is these human needs—needs that can be met through voluntary and official forms of aid and assistance—which have been neglected as we have sought for a way out of successive diplomatic mazes.

We can and must begin by realizing that actions which better the welfare of the people in the Middle East are just as essential as efforts to solve the political differences if our goal is a lasting peace.

There are, I believe, numerous initiatives that can and should be taken by the parties directly and indirectly involved in the Middle East dilemma.

The decisions to recognize Israel, establish boundaries, solve the refugee problem, settle the status of Jerusalem and passage through international waters—the five key issues as I perceive them—will come as a result of numerous factors.

It is in the interest of all the parties concerned, including the Soviet Union, which now has great influence in the Middle East as well as access to the Mediterranean, to deescalate the arms race and decrease the trend toward military confrontation. The United States should do everything it can privately, and publicly, to seek Soviet agreement in arms limitation that will curtail the endless cycle of military escalation in the area. Any policy of arms sales to the countries there should be gauged with an eye to the territorial integrity of all of the countries involved.

We have justified past sales of arms to the region by attempting to maintain a delicate balance of forces in order to deter either side from provoking war. Yet, when we speak of "balance" what do we really mean? How is it to be formulated? Do we merely count the planes on one side and the antiaircraft guns on the other? Or must we also consider factors that cannot be easily programed into our computers? Should we not examine the level of national unity, the political cohesiveness, the devotion to purpose, and the willingness to sacrifice? Does not the depth of feeling and the sense of injustice felt on either side contribute to this calculation? But what I am suggesting is that a true balance of forces means far more than some approximate equality in military might.

The depth of feelings that underlie the conflict makes any permanent peace sought through a balance of arms an impossibility. Even relative peace has remained illusive despite our past efforts to insure this kind of balance. We would be naive to assume that the path to a permanent peace and to true security for all nations in the area lies in our unquestioning supply of military arms to those who ask.

Concurrent with the deemphasis on military assistance should be an increasing stress on technical and educational assistance through multilateral efforts. This has perhaps been the area of greatest inconsistency in our foreign policy in general and is certainly evident in the Middle East. As I pointed out earlier, our policy toward the Middle Eastern nations has vacillated greatly, not at all consistent with the realities within those countries. Our foreign policy must be revitalized and reoriented if we are to regain credibility with the people of that troubled land.

Within this context the United States should increase its support of UNRWA which is currently facing an almost $4 million debt. We should also stimulate those private organizations already participating in development programs with the Palestinians as well and the development of new organizations and projects. The value of this type of approach is evidenced by Oregon State University's cooperative wheat project near Amman, Jordan. Jordanians and Oregonians together enthusiastically reported to me on my recent trip the progress made since the inception of the program. One hundred and sixty-three farmers working 1,675 acres of heretofore meagerly productive soil, with the help of know-how and technology, increased production in 1968 by 69 percent and in 1969 by 55 percent.

It is particularly with the refugees that success of peace initiatives rests. Israel, and the United States, must recognize and admit the basic injustice done to the Palestinians in 1948. This admission alone would be one of the greatest single steps that could be taken to defuse the present conflict. This in no way would threaten Israel's territorial integrity nor external security. Quite the contrary, it would most likely curtail the present trend of radicalization and polarization on both sides of her borders. The next step in this question of the Palestinians would then be to settle the problem of repatriation, compensation, and resettlement.

There are forces for moderation within most of the countries directly involved in the Middle East conflict. And it is these forces that must be nurtured before there is total polarization. Within Israel there have been signs of increasing flexibility. And when I was in the Middle East recently, I encountered similar potential among certain Arab leaders and intellectuals as well. A first step might be to permit, in keeping with the many United Nations resolutions, the refugees from 1967 to return to the west bank and occupied territories. This could be undertaken in cooperation with the United Nations and with United Nations supervision.

There is also the political reality of the Palestinians to be considered: They are a major party in the dispute and must be consulted in the solution. Whether contacts are public or private, direct or indirect, increased communication between the concerned parties is of great importance.

Neighboring countries of the Middle East are paying increasing attention to their Arab and Israeli neighbors, realizing that their futures are directly related. Spain, Italy, and Turkey, most notably, have displayed an intensified interest in the Middle East and have indicated that this interest will continue to expand.

The Middle East conflict, in summary, poses the greatest danger to our own security and to the hopes of us all for peace in the world. Presently, there is the imminent danger of the radicalization and overthrow of existing moderate Arab governments. No one stands to gain from this eventuality. Such a development would only intensify the political polarization and lead us closer to world war III.

The interests of the United States in the entire Middle East are clear and compelling. We have deep cultural and economic ties with all the countries there. We have nurtured historic friendships throughout the region. We have made specific commitments there, and our own security is involved. Yet, as the situation has evolved toward cataclysm, we have been nearly ignorant of this deterioration, totally obsessed with our futile involvement in the quagmire of Southeast Asia. Such negligence has, at least in part, fostered the vacuum that has encouraged increasing, bold Russian involvement throughout the Arab world.

Our interests in the Middle East, and the hope we have for making peace a possibility, demand that we embark on new initiatives, marked by heightened sensitivity to the roots of the conflict and bold vision of the role we can play in their resolution.

Any peace must begin by understanding the long evolution of events which has created the present hostility. Far too few of us have bothered to acquaint ourselves in depth with the history of these peoples and the factors that have caused such divisiveness and enmity. Such historical ignorance can easily condone diplomatic miscalculation.

We must squarely confront the third rising force in the Middle East, the Palestinian movement. The issue of Palestine must be understood and its meaning in the eyes of all the Arab world must be grasped. Our viewpoints must become sensitive to the injustice that the Palestinians feel so deeply, and our policies must be constructed to deal with this sense of injustice.

Further, as I have stated, peace in the Middle East will not be secured by totally relying on a supposed military balance. Arms given to the Middle East are eventually used there; a secure and enduring peace can never be won on the battlefields of these countries.

Finally true peace must even go beyond the resolution of diplomatic intransigence and include the alleviation of human deprivation. Peace is more than the absence of conflict; it is the fulfillment of human needs. It is "Shalom," which means wholeness and completeness. The promise of such fulfillment must become the hope for all, both Arab and Jew, if peace is to ever be their common destiny—and our own.

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

Mr. HATFIELD. I yield.

Mr. AIKEN. I would just like to say that, in the true humanitarian spirit which characterizes the senior Senator from Oregon, the Senator has pointed out to us a condition which should have been corrected two decades ago. I recall, when I was a member of the American Mission to the United Nations 10 years ago, that this same subject was very vital at that time. I recall the country of Yugoslavia insisting that something be done about the refugees, and offered a resolution which would provide for the care of the refugees. I also recall the vigor with which Russia opposed that resolution, Yugoslavia standing on one side, Russia on the other.

I believe that the deficit which the Senator refers to in the United Nations Relief and Works Agency is due to the fact that certain countries have not paid their assessments, which they should have paid.

It is not to the credit of the United Nations, it is not to the credit of the United States, or to the world at large, that this refugee condition has been permitted to exist now for over 20 years.

I think the Senator from Oregon has really done a service, not only to the Palestinians but also to the rest of the world, in pointing out this sore spot, which so many would like to forget about at this time.

It was on November 22, 1967, that the United Nations Security Council passed another Middle East Peace resolution which stated that it was necessary to achieve a just settlement of the refugee problem. But nothing has been done. As a corrector of injustice, the United Nations has been a failure in this respect.

So I hope that what the Senator from Oregon has said will arouse public sentiment to the point where people will insist upon a correction of this very bad situation.

Mr. HATFIELD. I thank the Senator from Vermont, who is the ranking Republican member of the Senate Committee on Foreign Relations, and, of course, has been very much involved in matters of peace and war for many years. Also, I think it is interesting, and probably not coincidental, that he is the ranking Republican member of the Senate Committee on Agriculture and Forestry. I believe there is a direct relationship between the adequacy of food and the ability of people to feel and know security through the opportunity to supply the needs of their families. We have to start there if we are going to have peace. It cannot be imposed by military power or political fiat, but it has to be generated within the hearts and minds of people.

That is why I have felt so strongly that the leadership of the senior Senator from Vermont (Mr. AIKEN) on both the Agriculture and Forestry Committee and the Foreign Relations Committee bridges

an important gap that I think so often is not made—that is the necessary relationship between people's needs and political policies.

Mr. AIKEN. Well, I say to the Senator from Oregon that I have done what I could, but it has not been enough. It needs more than my support to bring about a correction of this intolerable situation. They used to tell us, "Oh, those people would not work if they had a chance. They would not do anything for themselves if they had a chance." That is not true.

I hope the United Nations, or whatever effectiveness remains of it, will again make an effort, and I hope that the surrounding countries will make an effort, to do away with the shameful conditions.

Mr. HATFIELD. I would certainly agree that the United Nations has an important role. I also would say that, in establishing our own policies as one nation toward this important area of the world, and as a large and powerful nation, we must become more aware of the dimensions of the problems there which relate to the refugees. I think the Senator would agree that we must assume that role.

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

Mr. HATFIELD. I yield.

Mr. HANSEN. Mr. President, the distinguished senior Senator from Oregon and I have not always agreed on matters of national policy. I think we do share a number of concerns, however; and I take this occasion to compliment him on bringing much additional light to a better understanding of the very complicated and involved situation that we find confronting us in the Middle East.

I said yesterday that in my opinion there was far greater likelihood of our becoming involved in a very significantly expanded war in the Middle East than there is in Southeast Asia at the present time. As I sat here listening to the very scholarly presentation by my good friend from Oregon, I could not help thinking how true that is, when one reflects upon just one fact that he called to our attention this morning.

The Senator from Oregon said:

> In Jordan the refugees comprise over one-half of that nation's 2.2 million population.

He went on to point out—I do not recall just how long the Senator said those refugees had been in that situation. Was it since 1948?

Mr. AIKEN. It is 1948.

Mr. HANSEN. That those people, who are just surviving, receive from UNRWA, according to the 1969 budget, only 10 cents per day per refugee—5 cents for food, 4 cents for education and technical training, and 1 cent for medical care and sanitation—certainly underlines a very real reason for the distress, and for the growing emergence of a spirit of defiance and rebellion against a condition that has existed for a long time, which I think the Senator speaks of as the Palestinian movement. Am I correct in that statement?

Mr. HATFIELD. Yes.

Mr. HANSEN. The Senator from Oregon has made a very scholarly presentation. Whether we agree with him as to Southeast Asia or whether we agree with him as to the Middle East I think is beside the point. I think all of us can be better informed, and I would hope might be able to make better judgments and better decisions as to what will best serve our purpose and the purpose of peace now, by understanding the situation in the Middle East more comprehensively, as I feel certain that now we will be able to do because of the efforts of our distinguished colleague from Oregon. I compliment him very sincerely on his speech.

Mr. HATFIELD. Mr. President, I am very grateful to the Senator from Wyoming. I should like to respond briefly on a point which I think is very important, that the Senator from Wyoming focused upon.

The Senator was correct when he said that over the number of years we have been associated as friends, as fellow Governors, and now as fellow Senators, there have been a number of occasions when we have found most hearty agreement, and have worked very closely together for a common purpose. And even where we have had our differences of viewpoint, we have still had commonality of purpose, perhaps differing more on tactic, technique, or procedure, than on the goal we have both sought to achieve.

I believe the most important thing we have to seek to create in this situation, both at home and in the Middle East, is a resistance to polarization. I have found the Senator from Wyoming, in his differences, to be at all times a gentleman. He has been able to disagree without being disagreeable. This is what I think is the epitome of the great pluralistic society that we have created here in America. We have not demanded uniformity, and we have not demanded conformity; we have shown that there is strength even in diversity.

Nevertheless, we have found, as to the present problem in the Middle East, the attitude that if you are not for Israel, then you have to be for the Arabs; or if you speak favorably of the Arabs, then you are against Israel. We are being judged by these parties, in some instances, not by how much we are for them, but by how much we hate the other side.

I fear this kind of polarization within our Nation, because it tends to reduce the possibility of solution, and inhibit the kind of frankness and honesty with which we must face these problems to find their ultimate solution. I, for one, feel that my credentials, as far as being a friend of Israel are concerned, are certainly in order. I have spoken at many Bonds for Israel programs. I consider myself an enthusiastic supporter of that example of democracy out in the Middle East, both of its people as individuals and of Israel as a State.

That does not mean that, by the same token, I must reject the possibility that there is Arab grievance, and that there are injustices that must be righted on both sides. That does not mean I cannot consider myself as a friend of the Arab countries also. I would hate to think America must become so locked into a polarized position that it completely and fully eliminates the possibility of a peacemaker role.

The United States has the power, the resources, the idealism—every one of the great ingredients to be a peacemaker. But if we are going to try to be a peacemaker there by standing purely on one side of the issue, with one group only, and say there is no cause and no justice on the other side of the argument, we totally eliminate that possible peacemaker role.

We have legal and political commitments to Israel. I, for one, would never stand aside to let Israel fall, no matter who her enemy might be. By the same token, I do not think we are doing Israel a favor, or really supporting Israel, by sustaining conditions which will create border areas of complete enmity, in place of forces in the Arab world, like King Hussein of Jordan or many elements in Lebanon, who would really attempt to seek solutions to these problems.

So I believe the best solution at the moment would be to help hold Hussein in power against the radical elements that seek to overthrow him. But we cannot do that merely by supporting this particular political figure. We can only do it successfully by solving the Palestinian issue, which is the basis of his political challenge today. It is a matter of eliminating the Palestinian problem that will strengthen Hussein, keep a friendly border between Jordan and Israel, and ultimately find a solution, as I see it.

Mr. HANSEN. Mr. President, I am reminded of some observations the Queen of England made a number of years ago, when Great Britain was subjected to some great forces that were tearing her apart. The Queen spoke very bluntly and candidly, as I recall. She said essentially that there was no point in further denying that there were some deep divisions in that country. She recognized that they were there. But she said that in her judgment, the time had come when it was well to recall that it might serve England and Great Britain well to recognize these dissensions and problems as problems that can arise between members of a family, and that perhaps the time had come when the healing that follows compassion and love could again be brought to bear, and that each person or party to the conflict might recognize the possibility of right in others.

I suggest that if there is one thing that reaches me in the speech just made by the distinguished Senator from Oregon this morning, it is that we must try to contribute our determination to a solution of the problems as we try to work for peace—though I think we likely never will achieve that happy millennium when we can look forward to war no more, and be assured that peace will permanently prevail. I believe Plato said that only the dead have seen the end of war, and I am afraid he is right. Nevertheless, I subscribe to Browning's observation that man's reach should exceed his grasp. With that thought in mind, it certainly becomes our duty and our responsibility to do all we can to lessen

tensions, to recognize the possibility of right in others, and to see whether we can help minimize the problems of frustration and deprivation, from which we know strong pressures and strong forces always erupt to bring about further conflict.

Certainly, the Senator's remarks this morning are typical of him. I would say, also, that I have known him for a long time, and among his many virtues is the added virtue of being consistent. I have not always agreed with him, as he knows, but I will say that he has followed the same line this morning that we have heard him espouse ever since I first knew him, and for that I have great admiration for him.

Mr. HATFIELD. I am grateful to my colleague from Wyoming for his remarks.

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

SENATE RESOLUTION 419—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE UTILIZATION OF AVAILABLE FUNDS TO MEET CERTAIN PAYROLL OBLIGATIONS PROVIDED FOR IN THE SECOND SUPPLEMENTAL APPROPRIATION ACT, 1970

Mr. ELLENDER. Mr. President, I am about to send a very simple resolution to the desk for immediate consideration. I have spoken with the minority leader and the majority leader, and they are willing that the resolution be considered now.

This resolution is offered to permit the utilization of other Senate appropriations to meet the June 1970 payroll obligation for the staffs of the investigations subcommittees. The current balance in this appropriation is $463,817, and the June payroll obligation is estimated at approximately $660,000, resulting in an insufficiency in funds available to meet the payroll by approximately $196,000.

This action is necessary if these employees are to be paid on time, since the funds to cover this appropriation deficiency are contained in the second supplemental bill presently on the Calendar and will not be available until this bill is finally enacted.

It should be clearly understood that this authority is limited to meeting the payroll obligation only and that, upon enactment of the second supplemental, the funds so utilized will be replaced immediately.

Mr. President, I should like to point out that we had a similar situation on June 28, 1968, as a precedent for this procedure.

I send the resolution to the desk and ask unanimous consent for its immediate consideration.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 419) was considered and agreed to, as follows:

Resolved, That the Secretary of the Senate may utilize any fiscal year 1970 appropriation available for the purpose of paying the compensation due employees for June, 1970 from the appropriation "Expenses of Inquiries and Investigations, fiscal year 1970", any sum so utilized to be replaced from funds appropriated for said appropriation in the Second Supplemental Appropriation Act, 1970.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS) laid before the Senate the following communication and letter, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR DEPARTMENT OF COMMERCE (S. Doc. No. 91–91.)

A communication from the President of the United States, transmitting a proposed amendment to the budget, 1971, in the amount of $475,000, for the Department of Commerce (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

PROPOSED LEGISLATION TO CARRY INTO EFFECT A CERTAIN PROVISION OF THE CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY

A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967 (with accompanying papers); to the Committee on the Judiciary.

RESOLUTION OF HOUSE OF REPRESENTATIVES OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, I submit for the consideration of the Senate a resolution passed by the House of Representatives of the Commonwealth of Massachusetts memorializing the Congress of the United States not to enact legislation removing statutory authority for the existence of the selected reserve of the Coast Guard, and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore (Mr. HOLLINGS). The resolution will be received and appropriately referred, and will be printed in the RECORD.

The resolution was referred to the Committee on Commerce, as follows:

THE COMMONWEALTH OF MASSACHUSETTS, OFFICE OF THE SECRETARY,

Boston, June 9, 1970.

RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES NOT TO ENACT LEGISLATION REMOVING STATUTORY AUTHORITY FOR THE EXISTENCE OF THE SELECTED RESERVE OF THE COAST GUARD

Whereas, The President of the United States, in his Budget message to the Congress for fiscal year 1971, has requested funds sufficient only to phase out the Selected Reserve of the Coast Guard; and

Whereas, The President has forwarded legislation to the Congress of the United States which would, if enacted, specifically remove statutory authority for the existence of the Selected Reserve of the Coast Guard; and

Whereas, The Coast Guard Reserve has, since its establishment during World War II, contributed greatly to the defense effort of the nation, particularly in its military preparedness for the protection of its ports; therefore be it

Resolved, That the Massachusetts House of Representatives respectfully urges the Congress of the United States not to enact legislation that would remove the statutory authority for the existence of the Selected Reserve of the Coast Guard; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the Secretary of the Commonwealth to the President of the United States, the presiding officer of each branch of the Congress and to the members thereof from this Commonwealth.

House of Representatives, adopted, May 27, 1970.

WALLACE C. MILLS,
Clerk.

A true copy. Attest:

JOHN F. X. DAVOREN,
Secretary of the Commonwealth.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MANSFIELD (for Mr. FULBRIGHT), from the Committee on Foreign Relations, without amendment:

S. 3691. A bill to amend the Foreign Service Act of 1946, as amended, to lower the mandatory retirement age for Foreign Service officers who are career ministers (Rept. No. 91–930).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 14956. An act to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty (Rept. No. 91–931); and

H.R. 17241. An act to continue until the close of June 30, 1972, the existing suspension of duties on certain forms of copper (Rept. No. 91–932).

By Mr. LONG, from the Committee on Finance, with amendments:

H.R. 14720. An act to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products (Rept. No. 91–933).

By Mr. TALMADGE from the Committee on Finance with amendments. H.R. 16739. An act to extend for a period of 10 years the existing authority of the Administrator of Veterans' Affairs to maintain offices in the Republic of the Philippines (Rept. No. 91–934).

EXECUTIVE REPORT OF A COMMITTEE

As in executive session, the following favorable report of a nomination was submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare:

James D. Hodgson, of California, to be Secretary of Labor.

BILLS AND A JOINT RESOLUTION INTRODUCED

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

By Mr. GORE:

S. 3968. A bill to require that information concerning losses in revenue from certain provisions of the Internal Revenue Code to be included in the annual budget message of the President; to the Committee on Finance.

S. 3969. A bill to name the bridge now under construction at Memphis, Tenn., a part

of the Interstate System, linking Tennessee and Arkansas, in honor of a former Member of the House, Clifford Davis; to the Committee on Public Works.

(The remarks of Mr. GORE when he introduced S. 3968 appear later in the RECORD under the appropriate heading.)

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

S. 3970. A bill to amend the Outer Continental Shelf Lands Act (Public Law 212, 83d Congress; 67 Stat. 462) with respect to the development and use of the natural resources in the seabed seaward of the 200 meter depth line; to the Committee on Interior and Insular Affairs.

By Mr. FONG:

S. 3971. A bill for the relief of Luana Gaja; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 3972. A bill to amend the Federal Aviation Act of 1958 to provide proper penalties in the event of aircraft piracy, and for other purposes; to the Committee on Commerce.

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

By Mr. RANDOLPH (for himself, Mr. EAGLETON, Mr. GRAVEL, Mr. HART, Mr. JAVITS, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. STEVENS, and Mr. WILLIAMS of New Jersey):

S. 3973. A bill to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation; to the Committee on Labor and Public Welfare.

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

By Mr. SPONG (for himself, Mr. TYDINGS, Mr. PROUTY, Mr. BIBLE, Mr. GOODELL. Mr. EAGLETON, Mr. MATHIAS, Mr. YARBOROUGH. Mr. WILLIAMS of New Jersey, Mr. MONTOYA, Mr. PELL, Mr. KENNEDY, Mr. HART, and Mr. DOMINICK):

S. 3974. A bill to provide support for the health manpower needs in the medical and dental educational programs for private nonprofit medical and dental schools in the District of Columbia; to the Committee on the District of Columbia.

By Mr. McCLELLAN (by request):

S. 3975. A bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden; to the Committee on the Judiciary.

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

By Mr. HRUSKA (for himself and Mr. HART):

S. 3976. A bill to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition; to the Committee on the Judiciary.

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

By Mr. INOUYE (by request):

S.J. Res. 213. Joint resolution to authorize a contribution to certain inhabitants of the Trust Territory of the Pacific Islands for death and injury to persons, and for use of and damage to private property, arising from acts and omissions of the U.S. Armed Forces, or members thereof; to the Committee on Interior and Insular Affairs.

S. 3968—INTRODUCTION OF A BILL RELATING TO TRUE TAX REFORM

Mr. GORE. Mr. President, on yesterday I addressed the Senate on the state of our economy, with particular emphasis on the dangerous and hurtful inflation which now afflicts us. I set out some economic goals we must always have in mind, including proper distribution of income, production, and wealth among our citizenry. No economic system designed for a democracy can be judged successful if it does not insure equitable distribution of goods and services.

Tax policy certainly plays an important part in our scheme of distribution of the fruits of our economy. Rates, classification of income, exemptions, preferential treatment are factors to be considered.

Some would like a more activist tax policy, one which would be used positively to insure proper income levels. We will, I am sure, hear more in the near future about such mechanism as the negative income tax, for example.

Taxation-for-revenue-only is the orthodox approach. Even in this case, taxation must still occupy an important place in determining how much a given taxpayer receives, or rather can retain, from the economy for his own and his family's use. The tax burden is now so heavy that it directly impinges on the economic planning of all but the most poverty-stricken—and, most unfortunately, even on some of them.

A cornerstone of my efforts to obtain economic justice for all Americans throughout my service in the House of Representatives and in the Senate of the United States has been my fight to secure tax justice for all taxpayers. In this effort I have tried to accomplish two goals: one, to insure that low- and middle-income taxpayers get a reduction in the heavy tax burden they have been forced to bear; two, to insure that those with large income pay a fairer share of the tax burden by closing loopholes that are now, or have been, available only to the most favored members of our society.

July 1, 1970, will mark a historic stride forward on the road to achieving meaningful tax reduction for low- and middle-income taxpayers. On that day, my proposal to increase the personal exemption will begin to affect the pay checks of millions of Americans in the form of greater take-home pay. The principal significance stems not so much from the amount of tax reduction for the average individual as from the fact that tax reduction for the many, though small for each, was substituted for big reductions at the top, which had been proposed.

This occasion should be marked, therefore, by setting forth not just my satisfaction with what we have accomplished in the past in providing meaningful tax reform, but in projecting my future aspirations and goals to obtain a fairer tax system.

I present today a program for tax justice that contains three basic elements:

First. Further tax reduction for middle-income taxpayers.

Second. Further tax reform to insure that the wealthy bear a fairer share of the tax burden.

Third. Regular reporting of tax expenditures to insure that Congress retains control of spending for national priorities.

Some elements of this program are long range, but some steps can and should be taken immediately.

I. FURTHER TAX REDUCTION FOR MIDDLE INCOME TAXPAYERS

I have referred to the fact that pay checks received by the working people of this country after July 1 will reflect the increase in the personal exemption that I fought for and obtained in the Tax Reform Act passed by Congress last year. The $600 personal exemption that had been in effect for over 20 years was the most outdated and unfair provision in our tax laws. The personal exemption was designed to provide a basic amount of tax-free income for every family with which it could acquire the basic necessities of life—food, clothing, housing, and education. Over a 2½-year period, this personal exemption will now be increased to $750, the first installment taking effect, as I have said, on next July 1. It would be appropriate, it seems to me, to call this better-take-home-pay-day.

Coupled with other tax-reduction measures, including the low-income allowance, that I introduced in my package of tax relief for low- and middle-income taxpayers, and which has become law, the tax burden will be significantly reduced for low- and middle-income taxpayers. For example, a man with a wife and two children making $4,200 a year will have his taxes reduced from $170 to $28. That same man, making $5,000 a year, will have his taxes reduced from $290 to $140. For the $10,000 wage earner with a wife and two children, my tax reduction package will provide a cut in taxes from $1,114 to $905.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a tabulation which illustrates tax relief at various income levels provided by my package for a married couple with two children when the new law is fully effective.

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

TAX BURDEN ON THE MARRIED COUPLE WITH 2 DEPENDENTS UNDER PRIOR LAW AND UNDER GORE AMENDMENT TO TAX REFORM ACT OF 1969 (ASSUMING NONBUSINESS DEDUCTIONS OF 10 PERCENT OF INCOME)

Adjusted gross income (wages and salaries)	Tax under prior law	Tax under Gore amendment
$3,000	0	0
$3,500	$70	0
$4,000	140	0
$4,200	170	$28
$5,000	290	140
$7,500	687	514
$10,000	1,114	905
$12,500	1,567	1,309
$15,000	2,062	1,820
$17,500	2,598	2,385
$20,000	3,160	3,010
$25,000	4,412	4,240

Mr. GORE. Mr. President, these tax reductions, welcome as they are, are not as great as I wanted to secure for the middle-income taxpayer. But it is useful to recall the overwhelming odds against which we battled to secure even this amount of tax relief for the workingman. As the tax-reform bill emerged from the House of Representatives last August, one-third of the tax relief in the bill went to the 10 percent of American taxpayers who earn more than $20,000 per year. The administration in September recom-

mended that tax relief for middle-income taxpayers be reduced even below the level in the House-passed bill. Spokesmen for the Nixon administration came before the Senate Finance Committee and recommended that the tax relief in the House bill for middle-income taxpayers be reduced so that a 2-percent cut in corporate tax rates could be effected. Further, the administration strongly endorsed a proposal to place a 50-percent maximum rate of tax on the earned income of wealthiest taxpayers, who were already disproportionately favored under our tax laws.

When I proposed that an increase in the personal exemption be substituted for the tax relief provisions provided in the House bill and recommended by the administration, the forces of wealth and power quickly allied themselves against me. For my proposal cut back on the tax relief that the administration wanted to provide to the wealthy and the giant corporations. I succeeded in striking the special maximum rate for the wealthy and my proposal insured that 80 percent of the tax relief would go to persons making less than $15,000 per year. My proposal thus was anathema to the administration that was fighting to preserve undue favors for those with high income. Against my proposal were arrayed the White House, the Treasury, the privileged, and the vested interests of the large corporations.

Only the average taxpayer was with me. And he made his voice heard loud and clear to his elected representative in Congress. Together we won a great victory for the middle-income taxpayer and on July 1 this vocal majority, I am happy to say, will reap the fruits of that victory. We may have a celebration or two in Tennessee.

But we cannot rest on past laurels. It is still a fact that 80 percent of the Federal income taxes paid in the United States are paid by people making less than $15,000 a year: In the tax reform bill, we insured tax justice for those Americans living below the poverty level by insuring that in the future those working to lift themselves out of poverty would not have to pay Federal income taxes. Under my proposal, when fully effective, a family of four will not incur Federal income taxes until it reaches $4,000 per year in wages. This is a big step forward.

But the major issue is still before us; that is to insure greater tax equity for the middle-income taxpayer—the man who is working, raising, and educating his children, and paying off the mortgage on his home, the man making between $4,000 and $15,000 a year. It is here that the greatest need for tax equity exists. And tax equity for these middle-income Americans means tax reduction to relieve them from the disproportionately large share of the total tax burden they are now shouldering.

It is to this task that I renew my dedication today. The fairest, the most simple, and the most easily understood means of providing this tax relief is to increase the personal exemption to a level where it will more accurately reflect the cost of raising a family and of providing a decent home in today's world. By 1973 the personal exemption increase which I won will be fully effective at a level of $750 per person. While this is a marked improvement, $62.50 per month is still not enough to feed and clothe a child and provide it with a decent home. I will, therefore, renew my efforts to obtain an increase in the personal exemption to $1,250 per person by 1972. Hopefully, after that year we will have an administration in office which will be more sympathetic with the needs of the middle-income taxpayer than is the present administration. Hopefully, we will have an administration that will understand the terrible toll that inflation is exacting on the hard-earned dollar the average working man in this country labors to earn.

II. FURTHER TAX REFORM TO INSURE THAT ALL BEAR A FAIR SHARE OF THE TAX BURDEN

It was gratifying to one who has labored so many years to obtain substantial tax reform to see those efforts come to fruition in many respects in the Tax Reform Act of 1969. Among many changes, the percentage depletion allowance was cut back, albeit only to 22 percent, real estate shelters for syndicates of wealthy individuals were curtailed, and the activities of private foundations were brought under closer public control and scrutiny.

Yet the task of tax reform is truly a sisyphean endeavor—for each two strides toward the peak of tax equity, we slide back one. While several meaningful reforms were obtained in the Tax Reform Act, it is also true that new injustices and inequities were introduced—notably the provision for a maximum rate of tax on earned income for the wealthy and the new tax loopholes for railroads. In addition, many existing areas of inequity were not even touched.

One cannot be complacent about the accomplishments in the Tax Reform Act of 1969. For it is still true, for example, that the Federal Government is granting over $1.2 billion per year to the oil and gas industry in the form of percentage depletion allowances and intangible drilling expense deductions to obtain, at least theoretically, just $150 million of new oil reserves annually that would not have been discovered in any event. In other words, viewed in the most generous manner, the American taxpayer is paying $12,000 just to obtain $1,000 worth of new oil. In fact, there is no requirement that the "allowance" be used for exploration and most is not.

The bill did not remove the preferential treatment of income earned abroad. This preference is an inequity that favors investment and business activity of our citizens and corporations abroad at the expense of investment in industry and business at home. In the midst of the current problems besetting us with respect to trade imbalances, import competition and employment, these tax inequities become intolerable.

Under present U.S. tax law, U.S. corporations that create foreign subsidiaries to engage in manufacturing or other business abroad are accorded tax deferral—which sometimes becomes permanent—with respect to the income earned by their foreign subsidiaries. No one has ever been able to explain to my satisfaction why a company that chooses to conduct part of its business through a subsidiary in Italy, using Italian workers, should get a tax preference at the expense of its U.S. competitors who conduct their business wholly within the United States, employing American labor. Instances have come to light recently of companies organizing subsidaries in low labor cost countries to manufacture the identical items previously produced by those companies in the United States. These subsidiaries then import their products back into the United States to compete with products manufactured here. And the tax system is subsidizing this kind of unfair competition. Indeed, some of the companies that are urging import quotas most vigorously are the ones that are engaging in this very practice—taking care, however, to insure that their present interlocking international corporate structures will be protected by a "grandfather" clause in the proposed import quota legislation.

I have tried to end this tax subsidy which harms our balance of trade and which distorts our own economy. My bill, S. 2645, would put an end to this tax loophole by terminating the deferral of tax that is presently granted to those U.S. companies that conduct part of their business abroad and would end the discrimination which exists vis-a-vis their competitors who operate exclusively within the United States. This present loophole is unfair both to domestic U.S. corporations and to the workingman who is being deprived of job opportunities by this tax subsidy that encourages the creation of foreign plants that utilize foreign labor.

I shall, when the Senate Finance Committee takes up trade legislation presently being considered in the House Ways and Means Committee, try to end this tax loophole. I will again urge adoption of my proposal to terminate the present tax deferral.

There is another tax loophole which is damaging our balance of trade and balance-of-payment positions. Present law grants exemption to U.S. citizens living abroad from taxation on the first $20,000—$25,000 in some cases—of income these persons earn abroad. This compares to the inadequate $750 personal exemption that is accorded to the citizen living in the United States. Cases have come to my attention where U.S. citizens have gone abroad to set up business to make exports back into the United States. This damages the U.S. balance of trade. The U.S. taxpayer is forced to subsidize this effort through not only exemption of the first $20,000 of this citizen's income earned abroad but deferral of taxes on other foreign income until such income is brought home.

The Senate in its deliberations on the tax reform bill adopted an amendment I offered to cut back this unjustified tax exemption from $20,000 to $8,000. Unfortunately, it was deleted in conference committee. The business giants that are conducting business overseas, some of which is to the detriment of our own

business and labor, mounted a massive pressure campaign against my proposal. This action was especially outrageous since it brought to light the fact that this subsidy, although intended for individuals, is in fact being availed of by the corporate giants for their own financial gain. They are paying their employees less than they otherwise would if this special tax exemption were not available. Hence, this tax loophole has been perverted by the giant corporations into a subsidy for their own foreign operations. In effect, the average American taxpayer is again subsidizing corporations to set up factories and plants abroad rather than to keep industry in the United States to employ U.S. wage earners.

This tax exemption is currently costing the U.S. taxpayer $25 million a year and 80 percent of this amount goes to high bracket taxpayers. Removal of this unjustified tax preference would be another step toward improving our trade situation, and I will bring up my proposal again in connection with the trade bill.

In light of these and other tax loopholes that are damaging domestic industry, I was especially disappointed to see the Treasury propose as a "solution" still another tax loophole during the House Ways and Means Committee's current trade hearings. Treasury officials propose to grant tax deferral—again, permanent in some cases—to domestic international sales corporations. This tax bonanza would bestow some $400 to $600 million in tax reduction to approximately 100 of our largest corporations with no assurance whatsoever that U.S. exports will in fact be increased. This current administration proposal is just another backdoor device to get a corporate rate reduction to a group of large corporations—a step which was rejected out of hand last year when the Treasury submitted its plan for a general corporate tax reduction.

I hope this measure will be rejected by the Ways and Means Committee so Congress can concentrate on the more constructive and equitable proposals that I have submitted and will renew.

The trade situation is a complex one. The tax laws are only one part. I have long been a supporter of the Cordell Hull principle of reciprocal trade. But reciprocal trade must be a two-way street. Some countries have not been cooperating in this effort and have erected artificial trade barriers to U.S. imports while continuing to take advantage of the less closed American market. I hope voluntary agreements can be reached with other countries, notably the Japanese, to limit imports which are damaging U.S. industries and U.S. workers. If these agreements cannot be reached on a voluntary basis, then Congress may be forced to act to protect our own industries. If this action becomes necessary, then it is imperative that we at the same time reform our tax laws to remove existing incentives to locate overseas those industries that should be producing in the United States with American labor.

Preference provisions in our Federal income tax laws still provide over $50 billion per year in tax benefits to a highly privileged and select group of individual and corporate taxpayers in this country. The tax reform bill when fully in effect will recover some $6.6 billion of these revenues. But much more remains to be done. Only minimal steps were taken to deal with the highly privileged positions accorded capital gains, executive compensation schemes, gifts of appreciated property to charity, and the enormous benefits granted to corporations through the provisions for tax-free reorganizations.

I believe in the Cordell Hull principle of taxation according to ability to pay. I believe that a progressive income tax system is the fairest means yet devised to insure that our citizens pay taxes at a level commensurate with the benefits they derive from this great free enterprise system under which we operate. But the tax loopholes that still exist undermine this fundamental precept of tax justice. Too many of the most privileged members of our society do not pay taxes in accordance with their ability to pay. It is still possible, despite the reforms so laboriously won last year, for a taxpayer with over $200,000 of income to pay no taxes at all. It is still possible for a person making over $1 million a year to pay the same effective rate of tax as the wage earner with a wife and two children who makes $10,000 a year.

Mr. President, I am a realist. I know that tax legislation and tax reform involve compromise. But as these compromises in our tax laws pyramid over the years, the confidence of the average American workingman in the fairness of our tax system erodes a little bit with each deviation from tax equity, however small. If public confidence in the fairness of our tax system continues to be eroded through tax preference provisions—however praiseworthy may be the object to be obtained—then we may truly face a "taxpayers' revolt" and the great social needs of our country which will continue to require sizable revenues raised by the tax system will not be met.

My goal in the years ahead is to build on the reforms already achieved to insure to all citizens the fairest possible tax system.

When the Federal Government foregoes collection of taxes because of special provisions in the Internal Revenue Code, it makes a determination that these areas of activity are a matter of first priority for Federal funds. Areas of Federal responsibility that rely on direct appropriations come behind these tax expenditures as a matter of national priority, and funds are allocated to them from the moneys that are, in fact, collected through our tax system.

I have felt for some time that, in order for Congress to effectively carry out its responsibility to set our national priorities, it must consider expenditures made through the tax system just as carefully and just as frequently as it considers expenditures made through the regular appropriations process.

The difficulty is that financial assistance rendered through the tax system is not presented to Congress in connection with the President's budget message each year so that Congress can evaluate the priorities and the dollar amounts that are reflected in tax expenditures.

This situation was first highlighted in the 1968 Annual Report of the Secretary of the Treasury. In that report, tax expenditures were detailed in a manner that corresponded to regular budget categories, and it was revealed that $36.5 billion of Federal funds were spent in fiscal 1968 through the tax system in areas also covered by items funded through the normal appropriations process.

I was gratified to note that simliar information has now been submitted to the Subcommittee on Economics in Government of the Joint Economic Committee by the Honorable Murray L. Weidenbaum, Assistant Secretary of the Treasury for Economic Policy.

I think it is most important that Members of Congress have this information before them and I am, therefore, including at the conclusion of my remarks the data submitted by Assistant Secretary Weidenbaum.

Table 7 compares expenditures through the tax system for fiscal years 1968 and 1969. At a time when budgetary pressures were most severe, expenditures through the tax system rose by almost $8 billion. Yet this increase in expenditures was not even reviewed by Congress and no determination was made as to whether these increased expenditures were allocated according to a congressional determination of our national priorities.

Table 8 contains some very illuminating information comparing expenditures that the Federal Government makes through the tax system with directly appropriated outlays. It should be noted that in fiscal 1969 tax expenditures for natural resources through the depletion allowance and the special treatment for intangible drilling and development expenses almost equal the total Federal expenditures through direct appropriations for preservation of our natural resources. In the area of community development and housing, tax expenditures were over twice the amounts that Congress directly appropriated for these programs. In no area, other than national defense and international affairs, were tax expenditures less than 10 percent of direct appropriations. Yet Congress made no review at all of these tax expenditures in connection with the exercise of its responsibility concerning the appropriation of funds in accordance with our national priorities.

I believe that expenditures or aids through the tax system should be reported annually by the President to the Congress and included in the budget message. Only in this way can Congress maintain a close check to insure that funds expended through the tax system are consistent with national priorities established through the normal appropriations process.

I applaud Assistant Secretary Weidenbaum for bringing this vital information before the Congress. I urge all Members

of Congress to give careful attention to this data.

To enable Congress more adequately to perform its responsibilities to insure that available funds are directed to areas of highest priority, I am today introducing a bill which would require that the President submit detailed information with his annual budget message concerning the amounts that are expended through our tax system. I believe enactment of this measure will provide Congress with an important tool as it works each year to allocate available funds among the various areas of public concern which require assistance from Federal funds.

I ask unanimous consent to have excerpts from the statement of Assistant Secretary Weidenbaum printed in the RECORD.

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

The bill (S. 3968) to require that information concerning losses in revenue from certain provisions of the Internal Revenue Code to be included in the annual budget message of the President, introduced by Mr. GORE, was received, read twice by its title, and referred to the Committee on Finance.

The excerpts, presented by Mr. GORE, are as follows:

TABLE 7.—SUMMARY OF ESTIMATED TAX AIDS

[Fiscal years. In millions of dollars]

Tax aids by budget function	Amount 1968	Amount 1969	Tax aids by budget function	Amount 1968	Amount 1969
National defense	500	550	Income security (e.g., personal deductions)	12,950	15,905
International affairs and finance	370	410	Health (e.g., deduction of medical expenses)	2,600	3,000
Agriculture and rural development	930	1,000	Education	720	800
Natural resources (e.g., depletion allowances)	1,605	1,765	Veterans' benefits and services	550	600
Commerce and transportation (e.g., investment credit and surtax exemption)	7,775	9,200	Aid to State and local government (e.g., deduction of State-local taxes)	4,600	6,150
Community development and housing (e.g., deduction of interest and taxes on residence)	3,950	4,800	Total	36,550	44,180

Source: App. B.

TABLE 8.—FEDERAL GOVERNMENT OUTLAYS AND RELATED ACTIVITIES

[Fiscal year 1969. In millions of dollars]

Function	Direct outlays	Selected tax aids	Government-assisted credit	Total	Function	Direct outlays	Selected tax aids	Government-assisted credit	Total
National defense	81,240	550	115	81,905	Veterans benefits and services	7,640	600	1,558	9,798
International affairs and finance	3,785	410	490	4,685	Interest	15,791			15,791
Space research and technology	4,247			4,247	General government	2,866			2,866
Agriculture and rural development	6,221	1,000	2,308	9,529	Assistance to State and local governments		6,150		6,150
Natural resources	2,129	1,765		3,894	Adjustments	−5,117		−2,244	−7,361
Commerce and transportation	7,873	9,200	220	17,293					
Community development and housing	1,961	4,800	8,656	15,417	Total	184,556	44,180	11,735	240,472
Education and manpower	6,825	800	632	8,257					
Health	11,696	3,000		14,696					
Income security	37,399	15,905		53,304					

APPENDIX B

EXPLANATION OF TAX AIDS

An important recent development in the effort to make the Federal Budget a more useful tool of economic policy has been an increasing awareness of the growing magnitude of fiscal benefits accruing to various categories of taxpayers. Over the years the Federal income tax structure has gradually accumulated a host of special deductions, credits, exclusions, exemptions and preferential rates designed to achieve various social and economic objectives. It has been recognized that these selective reductions in tax liabilities have the same fiscal impact on the budget surplus or deficit as direct increases in expenditures. In this context they have been termed "tax expenditures." A more appropriate term might be "tax aids."

In the broadest sense a tax aid can be defined as any identifiable reduction in tax liability by an individual or business compared to a tax base totally devoid of any deduction from income or distinction of treatment of different kinds of income. Such a definition of tax expenditures would include differences in tax liability because the individual was married or single, old or young, healthy or disabled, lived at home or abroad, was charitable or uncharitable, was a homeowner or renter, etc.

But to group together without distinction all deviations from a theoretically neutral tax system would be hopelessly cumbersome and reduce the usefulness of the tax expenditure concept as an added measure of the total fiscal impact of the Federal Budget. The more practical approach is to group by functional spending category those tax aids intended to encourage private action to resolve various social and economic problems or to give fiscal relief to those who might receive an inadequate share of current productive resources under a completely neutral tax system. In most cases these tax aids are clearly an alternative to an equivalent increase in Federal expenditures that would otherwise be required.

The first compilation of tax aids under this approach was published in the 1968 Annual Report of the Secretary of the Treasury. This compilation helped create public discussion and improved understanding of the program aspects of tax aids. It also helped to stimulate program analysis of tax aids, an approach which has received the endorsement of President Nixon. In his Tax Message to the Congress of April, 1969, the President stated:

"Tax dollars the government deliberately waives should be viewed as a form of expenditure, and weighed against the priority of other expenditures. When the preference device provides more social benefit than government collections and spending, that 'incentive' should be expanded; when the preference is inefficient or subject to abuse, it should be ended."

In addition to its value as a catalyst for program analysis, the compilations focus on tax aids as important determinants of the size of budget deficits and surpluses. The overall magnitude of foregone revenues due to tax aids is substantial and, if the budget is not balanced, the deficit and surplus is only a small fraction of that magnitude. Year to year changes in tax aid magnitudes, either because of economic growth or through legislative actions, affect substantially the size of the budget deficit (or surplus) and the expansionary (or restrictive) course of the economy.

Table B presents an updating of data on estimated tax aids for the fiscal years 1968 and 1969 on the basis of the current functional breakdown of Federal expenditures. The present compilation is not intended to provide a full and complete accounting in a theoretical sense of all tax aids in the income tax aids—minimal in the sense of including only acceptable and practical choices. Certain tax provisions are omitted because their inclusion would require controversial or highly theoretical justifications. Others are omitted because the underlying data is difficult to compile and present in understandable form or because the amounts involved are not quantitatively significant. In short, the choice of the tax aids listed is largely governed by the criteria of public acceptability and practicality.[1]

[1] For a detailed explanation of the tax aids in Table B, see *Annual Report of the Secretary of the Treasury on the State of the Finances for the Fiscal Year Ended June 30, 1968*. Washington, D.C., U.S. Government Printing Office, pp. 330–337.

APPENDIX TABLE B.—ESTIMATED TAX AIDS, FISCAL YEARS 1968 AND 1969

[In millions of dollars]

Tax aids by budget function	1968	1969
National defense: Exclusion of benefits and allowances to Armed Forces personnel	500	550
International affairs and finance:		
Exemption for certain income earned abroad by U.S. citizens	40	45
Western hemisphere trade corporations	50	55
Exclusion of gross-up on dividends of less-developed country corporations	50	55
Exclusion of controlled foreign subsidiaries	150	165
Exclusion of income earned in U.S. possessions	80	90
Total	370	410
Agriculture and rural development:		
Farming: Expensing and capital gain treatment	800	860
Timber: Capital gain treatment for certain income	130	140
Total	930	1,000
Natural resources:		
Expensing of exploration and development costs	300	330
Excess of percentage over cost depletion	1,300	1,430
Capital gains treatment of royalties on coal and iron ore	5	5
Total	1,605	1,765
Commerce and transportation:		
Investment credit	2,300	3,000
Excess depreciation on buildings (other than rental housing)	500	550
Dividend exclusion	225	260
Capital gains: Corporation (other than agriculture and natural resources)	500	525
Excess bad debt reserves of financial institutions	600	660
Exemption of credit unions	40	45
Deductability of interest on consumer credit	1,300	1,600
Expensing of research and development expenditures	500	550
$25,000 surtax exemption	1,800	2,000
Deferral of tax on shipping companies	10	10
Total	7,775	9,200
Community development and housing:		
Deductibility of interest on mortgages on owner-occupied homes	1,900	2,200
Deductibility of property taxes on owner-occupied homes	1,800	2,350
Excess depreciation on rental housing	250	250
Total	3,950	4,800
Income security:		
Disability insurance benefits		100
Provisions relating to aged, blind, and disabled: Combined cost for additional exemption for aged, retirement income credit, and exclusion of social security payments	2,300	2,700
Additional exemption for blind	10	10
Sick pay exclusion	85	95
Exclusion of unemployment insurance benefits	300	325
Exclusion of workmen's compensation benefits	150	180
Exclusion of public assistance benefits	50	50
Treatment of pension plans:		
Plans for employees	3,000	4,000
Plans for self-employed persons	60	135
Exclusion of other employee benefits:		
Premiums on group term life insurance	400	400
Deductibility of accident and death benefits	25	25
Privately financed supplementary unemployment benefits	25	15
Meals and lodging	150	165
Exclusion of interest on life insurance savings	900	1,000
Deductibility of charitable contributions (other than education)	2,200	3,000
Deductibility of child and dependent care expenses	25	25
Deductibility of casualty losses	70	80
Standard deduction	3,200	3,600
Total	15,550	18,905
Health:		
Deductibility of medical expenses	1,500	1,600
Exclusion of medical insurance premiums and medical care	1,100	1,400
Total	2,600	3,000
Education and manpower:		
Educational expense deduction		40
Additional personal exemption for students	500	500
Deductibility of contributions to educational institutions	170	200
Exclusion of scholarships and fellowships	50	60
Total	720	800
Veterans' benefits and services: Exclusion of certain benefits	550	600
Aid to State and local government:		
Exemption of interest on State and local debt	1,800	2,000
Deductibility of nonbusiness State and local taxes (other than on owner-occupied homes)	2,800	4,150
Total	4,600	6,150

S. 3972—INTRODUCTION OF A BILL TO INCREASE THE ABILITY TO DEAL WITH THE PROBLEM OF AIR PIRACY

Mr. PEARSON. Mr. President, I am introducing today a bill designed to increase our ability to deal with the problem of air piracy, better known as hijacking.

Unfortunately, the American public has not fully appreciated, in my opinion, the severity of this reoccurring phenomenon. It appears there is an atmosphere of levity about the problem. However, I would like to remind the public and the Members of this body that since 1961 there have been 85 attempted or successful hijackings. And, because it is a fact of life that certain people, because of mental imbalance, desperation, or other motives are tempted to hijack airplanes, there will undoubtedly be more. Next time, Mr. President, we may not be as lucky as we have been over the last decade; we may loose a 747 or a 727–200 with tremendous loss of life and property.

Following the most recent incident of this type which occurred at Dulles International Airport, and during which one pilot—a resident of my State—was wounded, I asked representatives from the airlines, airline pilots, and airport operators to meet with John Shaffer, the Administrator of FAA; Secor Browne, the Chairman of CAB; and representatives of the Justice and State Departments and me to discuss this problem. The interchange of ideas that occurred during our meeting was most helpful, in my opinion.

But the solutions to this problem are varied and numerous, as our discussion indicated and as experts in this area well know. There are international problems, involving our relations with Cuba and other sanctuaries. The Tokyo Convention, to which the United States is a signatory nation, was an attempt to work out an initial agreement among many nations on this point. As of yet, however, it has been of little practical benefit. No requirement exists which compels the return of a hijacker to the country where the crime is committed; no requirement exists which compels the nation where the hijacked aircraft lands to bring the defendant to trial. As President Nixon stated in a plea to the United Nations for high priority in this matter:

> This is an issue which transcends politics; there is no need for it to become the subject of polemics or a focus of political differences. It involves the interests of every nation, the safety of every air passenger, and the integrity of that structure of order on which a world community depends.

Toward that end, representatives of the nations who are members of the International Civil Aviation Organization are meeting in Montreal for 3 weeks beginning today on this very subject of hijacking, as well as sabotage.

Second, this is an aviation problem. Perhaps, as CAB Chairman Secor Browne has indicated, this is the No. 1 problem affecting the aviation industry. Indeed, he has publicly stated that there may be a need for bolder, stronger leadership within aviation management, reminiscent of the individuals who pioneered the early development of the industry. For my part, it requires no particular insight to imagine what the loss of one or possibly two aircraft within a short period of time would do to the passenger revenue of the airline business. Clearly, there are economic reasons—aside from the other considerations—why we must find an answer to hijacking.

But more important, Mr. President, we must solve the problem of air piracy because it involves lives. I would like to read a letter which I recently received from a constituent of mine. Her name is Mrs. Herbert W. Barnett and her husband is a pilot for TWA. She writes:

> Today, the headlines hit home. A TWA Captain has been shot because hijacking has not been put to an end.
>
> My husband is a TWA Flight Engineer. He looks forward to 27 more years in the cockpit—if he isn't killed or injured for life by a hijacker.
>
> We have a four-month old son. What future shall we hope for?
>
> We gave our all for our country when my husband flew a B–57 over Vietnam. When is the country going to back us up?
>
> What have you done, and what is going to be done to make airliners safe from hijacking? Please don't wait until an aircraft full of lives is wasted.
>
> Please act today on this. Thank you.
>
> Sincerely,
>
> Mrs. H. W. BARNETT.

Mr. President, in 1961 the Congress enacted Public Law 87–197, entitled the Air Piracy Act, which was intended to provide adequate tools for the prosecution and, hopefully, the deterrence of air piracy. The bill I am introducing today would add two additional tools to better implement the intention of that act. First, 49 U.S.C. section 1472, subsection (i) would be amended so as to provide differential penalties. For example, there is a need for legislation to allow a lesser penalty to be imposed on a hijacker who, after taking over an airliner, surrenders his weapons and his control of the aircraft.

Under the present mandatory sentence, an air pirate has nothing to gain by abandoning his adventure once he begins. The proposed amendment would offer an inducement to any hijacker who, through persuasion by the crew or by law enforcement authorities, decides to abandon his dangerous escapade. Second, 49 U.S.C. section 1472 would be amended so as to provide a penalty of $5,000 or 5 years' imprisonment or both for carrying a concealed weapon aboard or in an attempt to board an aircraft. Presently, the act provides a penalty of only $1,000 fine or 1 year's imprisonment or both, which is in the category of a misdemeanor in some jurisdictions.

Not only would this amendment elevate the penalty so as to make the act a better deterrent, but it would also strengthen the authority of a law officer conducting a protective search.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD at the conclusion of my remarks, and I urge that it be considered at the earliest possible date.

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

The bill (S. 3972) to amend the Federal Aviation Act of 1958 to provide proper penalties in the event of aircraft piracy, and for other purposes, introduced by Mr. PEARSON, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 3972

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902 of the Federal Aviation Act of 1958, as amended (49 U.S.C. section 1472), is further amended as follows:

(1) Subsection (i) is amended by inserting immediately before "by death" in subparagraph (1)(A), and immediately before "by imprisonment" in subparagraph (1)(B), "except as provided for in paragraph (3)" and by inserting the following new paragraph:

"(3) Notwithstanding the penalties outlined in paragraph (1) of this subsection, in the event any person who commits or is in the process of committing aircraft piracy shall, upon being advised by a crew member of the aircraft of the penalties contained in paragraph (1) surrender himself and whatever weapons he may have to the crew member thus allowing the aircraft to land at either its original destination or a point under control of the United States of America, he shall not be subject to the penalties contained in paragraph (1) but in lieu thereof shall be imprisoned for not more than five years.

(2) Subsection (j) is amended by striking "Whoever" and inserting in lieu thereof, "Except as provided for in paragraph (3) of subsection (i) of this section, whoever"; and

(3) Subsection (h) and (1) are amended by striking "$1,000" and "one year" whenever appropriate and inserting in lieu thereof "$5,000" and "five years".

S. 3973—INTRODUCTION OF RADIATION HEALTH AND SAFETY ACT OF 1970

Mr. RANDOLPH. Mr. President, in recent years, major advances have been made in our ability to treat many diseases and infirmities and in upgrading the availability and quality of medical and paramedical health practices in the United States. It is generally understood, however, that further improvements are possible. One area for improvement is in the medical and dental usage of radiation for diagnostic purposes.

Standard-setting bodies such as the Federal Radiation Council, the National Committee on Radiation Protection, and the International Commission on Radiological Protection have warned that any exposure to radiation may carry some risk for the development of public health effects including leukemia and other malignancies as well as genetic effects. It is indicated that down to the lowest dosage levels the risk of inducing disease or disability increases with the dose accumulated by the individual. This implies that there is no wholly safe dose of radiation.

A prudent public health policy requires the basic assumption that there is a linear relationship between radiation exposure and the damage it produces in man. There is likewise no exposure so small—including that from natural background radiation—that the probability of damage is zero.

Diagnostic radiation exposure techniques are an essential and extremely valuable medical tool resulting in the saving of 100,000 or more lives per year.

Yet, it is generally recognized among public health officials that diagnostic medical and dental X-ray usage in the United States results in more radiation exposure than is necessary. A 1969 Public Health Service report on population exposures to ionizing radiation indicates that an individual in the United States receives approximately three times as much radiation from a diagnostic X-ray exposure as is necessary. Through the same examination an individual in the United States receives approximately twice the radiation exposure as in England. It is reported that this exposure could be reduced by one-tenth through proper training. By comparison, a person in the United States receives 50 times as much radiation exposure from medical X-rays as from the nuclear power industry.

Dr. Karl Morgan, internationally known scientist and founder of the American Health Physics Society, reports there is strong evidence that there are between 3,000 and 30,000 needless deaths per year in the United States as a consequence of genetic mutations and several forms of somatic damage from these same techniques.

More significant, however, is the contention that, according to Dr. Morgan, there are 63 ways by which medical diagnostic X-ray exposures could be reduced by a factor of 10. These include education, training, certification, motivation, and better equipment and techniques. Although significant benefits are derived from medical diagnostic X-rays, to allow overexposures to continue, reflects little credit on our society.

Considering the public health and safety implications of excessive human exposure to ionizing radiation, it seems unrealistic to allow the pursuit of professional excellence in radiation technology to remain voluntary.

I do not discount the efforts of the American Registry of Radiologic Technologists or the efforts of the States of New York, New Jersey, and California, but national guidelines must be provided for the training and licensure of radiologic technicians. Professional excellence in radiologic technology can only be served by State legislation if the ultimate impact on the profession is national in scope and substance. Consequently, national guidelines should be in my opinion, provided for the States.

Mr. President, on behalf of myself and Senators EAGLETON, GRAVEL, HART, JAVITS, MONDALE, MOSS, MUSKIE, STEVENS, and WILLIAMS of New Jersey, I introduce the Radiation Health and Safety Act of 1970 and ask that it be referred to the Committee on Labor and Public Welfare. I invite other cosponsors.

I also ask unanimous consent that the text of the bill, and a list of references on this subject, be printed in the RECORD following my remarks.

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

The bill (S. 3973) to amend the Public Health Services Act to provide for the protection of the public health from unnecessary medical exposure to ionizing radiation, introduced by Mr. RANDOLPH (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare and ordered to be printed in the RECORD as follows:

S. 3973

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Radiation Health and Safety Act of 1970."

SEC. 2. It is the purpose of this Act to—

(a) assure adequate training of radiologic technicians by providing for the establishment of criteria and minimum standards for accrediting schools for the training of radiologic technicians;

(b) provide for the establishment of criteria and minimum standards for the licensure of radiologic technicians; and

(c) provide for State adoption and administration of programs for the accreditation of education institutions training radiologic technicians and programs for the licensure of radiologic technicians, with authority for the Secretary to take necessary action in the absence of State action.

SEC. 3. Title III of the Public Health Service Act is amended by inserting after Part F, Subpart 3, Section 360F, the following:

"'SUBPART 4—RADIOLOGIC TECHNICIANS"

"DECLARATION OF PURPOSE"

SEC. 360G. The Congress finds and declares—

"(a) that, consistent with the recommendations of the Federal Radiation Council, the National Committee on Radiation Protection, and the International Commission on Radiological Protection, it is in the national interest and in the interest of public health and safety to minimize exposures of the public to ionizing radiation from all sources;

"(b) while the operation and use of radiologic equipment is essential in modern medicine, even the most advanced equipment will not adequately protect the health and safety of patients subjected to radiologic diagnosis or therapy and the health and safety of radiologic technicians operating radiologic equipment, including their progeny, unless these technicians are fully trained and qualified in the operation of such equipment so as to avoid unnecessary exposure to ionizing radiation;

"(c) that it is in the overall public health interest to have an adequate and continuing supply of well-trained radiologic technicians and that any person who operates radiologic equipment should be required to demonstrate competence by training, experience, and examination; and

"(d) that the protection of the public health and safety from unnecessary exposure to ionizing radiation from all sources is the primary responsibility of State and local government, within minimum criteria and standards established by the Federal government."

"RECOMMENDED CRITERIA AND STANDARDS"

"SEC. 360H(a). The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1970, develop and issue to the States criteria and minimum standards for the accreditation of education institutions conducting programs for the training of radiologic technicians. Such criteria and standards shall be published in the Federal Register.

"(b) The Secretary shall, as soon as practicable, but not later than one year after the date of enactment of the Radiation Health and Safety Act of 1970, develop and issue to the States criteria and minimum standards for licensure of radiologic technicians, and such other advice and assistance as he deems necessary. Such criteria and minimum standards may distinguish between medical and dental radiologic technicians and technicians-in-training. Such criteria and standards shall be published in the Federal Register.

"(c) In establishing criteria and minimum standards under this section the Secretary shall consult with State health departments and appropriate professional organizations including, but not limited to, the American Society of Radiologic Technologists, the American Registry of Radiologic Technologists, the American Dental Association, the American Medical Association, the American College of Radiology, the American Association of Physicists in Medicine, and the Health Physics Society.

"(d) The Secretary shall give to the States such other advice and assistance as will encourage them to enact and enforce appropriate laws and standards. Such advice and assistance may include model laws and training curriculums, and training aids.

"(e) The Secretary shall, from time to time, revise the criteria and standards material issued by him pursuant to this section.

"STATE ACCREDITATION AND LICENSURE"

"SEC. 360I(a). The training and licensure of radiologic technicians who intend to operate any radiologic equipment in the application of ionizing radiation to humans in any State or States shall be subject to the provisions of this section.

"(b) Consistent with the policy declaration of this Subpart, State and local government shall be encouraged to minimize exposures of the public to ionizing radiation from all sources and shall not be displaced by Federal action except as otherwise provided under subsections (c) or (d).

"(c) After receiving any criteria and minimum standards issued pursuant to section 360H for the accreditation of educational institutions conducting programs for the training of radiologic technicians, the Governor of a State may file with the Secretary a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum the standards for accreditation of educational institutions conducting programs for the training of radiologic technologists issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for the accreditation of educational institutions for the training of radiologic technicians shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of the Subpart, such State standards shall be the standards applicable to such State.

"(d) After receiving any criteria and minimum standards issued pursuant to section 360H for the licensure of radiologic technicians or technicians-in-training, the Governor of a State may file a letter of intent that such State will within two years of the issuance of the criteria and minimum standards adopt as a minimum the standards for licensure of radiologic technicians and technicians-in-training issued by the Secretary. If, after two years, a Governor fails to adopt such standards, or is unable to adopt such standards or more stringent standards, the minimum standards issued by the Secretary for licensure of radiologic technicians shall become the standards in such State. If the Secretary determines that such State standards are consistent with the criteria and minimum standards issued pursuant to section 360H; that an adequate means of enforcement by State action is provided; and that the State program is consistent with the purposes of this Act, such State standards shall be the standards applicable to such State.

"(e) For the purpose of implementing licensure of radiologic technicians, the Secretary may certify appropriate Federal and State professional licensing organizations.

"(f) The Secretary shall annually review programs established pursuant to this subpart and shall suspend the effectiveness of any standards or regulations as to accreditation or as to licensure with respect to any State or certified professional licensing organization when he determines that administration of such State program is inconsistent with the purposes of this subpart or revised criteria and minimum standards issued pursuant to subsection 360H(e).

"PROHIBITED ACTS

"SEC. 360J(a). Upon the effective date of regulations and standards established pursuant to the subpart, it shall be unlawful for any institution to conduct a program for training of radiologic technicians unless accredited by the Secretary or a State program approved by the Secretary, or for any individual to operate any radiologic equipment in application of ionizing radiation to humans unless he is a licensed medical practitioner, a licensed dentist, a licensed dentalhygienist, holds a valid radiologic technician's license, or holds a valid technician-in-training license and is under the supervision of a licensed radiologic technician.

"(b) The district courts of the United States shall have jurisdiction, for cause shown, to retain violations of this section. The district courts of the United States shall also have jurisdiction in accordance with section 1355 of title 28 of the United States Code to enforce the provisions of this section.

"(c)(1) Any violation of this subsection by the owner or operator of an educational institution, or an individual operating medical radiologic equipment shall be subject to a civil penalty of not more than $1,000. For the purposes of this section, any such violation shall be with respect to each act or omission made unlawful by this section.

(2) Any such civil penalty may on application be remitted or mitigated by the Secretary. In determining the amount of such penalty, or whether it should be remitted or mitigated and in what amount, the appropriateness of such penalty to the size of the business of the person charged and the gravity of the violation shall be considered. The amount of such penalty, when finally determined, may be deducted from any sums owing by the United States to the person charged.

"(d) Actions under this section may be brought in the district court of the United States for the district wherein any act or omission or transaction constituting the violation occurred, or in such court for the district where the defendant is found or transacts business, and process in such cases may be served in any other district of which the defendant is an inhabitant or wherever the defendant may be found.

"(e) Nothing in this subpart shall be construed as requiring the Secretary to report for the institution of proceedings minor violations of this subpart whenever he believes that the public interest will be adequately served by a suitable written notice or warning.

"(f) The remedies provided for in this section shall be in addition to and not in substitution for any other remedies provided by law."

The list of references, presented by Mr. RANDOLPH, is as follows:

REFERENCES

Hahn, D. R., and Van Farowe, D. E., "Misuse and Abuse of Diagnostic X-rays," *Amer. Jnl. Pub. Health,* Vol. 60, No. 2 (February 1970).

Kraeger, J. A., and Christianson, G. A., "Survey Results of the Use of X-rays in the Healing Arts Specialties in North Dakota, 1964–1968," *Rad. Health Data and Reports,* Vol. 11, No. 3 (March 1970) pp. 117–128.

Morgan, K. Z., "Ionizing Radiation: Benefit versus Risks" Health Physics, Vol. 17 (1969).

Morgan, K. Z., "Risks from Diagnostic X-Rays," *Yale Scientific,* Vol. 43, No. 5 (1969).

Morgan, K. Z., "Hearings Before the Commerce Committee, U.S. Senate, Ninetieth Congress, First Session on S. 2067," Serial No. 90–49, August 20–30, 1967.

Morgan, K. Z., "Hearings Before the Subcommittee on Public Health and Welfare of the Committee on Interstate and Foreign Commerce, House of Representatives, Ninetieth Congress, First Session on H.R. 10790," Serial No. 90–11, August 14, September 28, and October 5, 11, and 17, 1967.

Penfil, R. L., and Brown, M. L., "Genetically

significant dose to the United States population from diagnostic medical roentgenology, 1964," *Radiology*, Vol. 90, No. 2. pp. 209–216 (February 1968).

Public Health Service, Bureau of Radiological Health, "Diagnostic Dental X-Rays and the Patient—and Overview," *Rad. Health Data and Reports*, Vol. 11, No. 1, (January 1970), pp. 1–5.

Public Health Service, "Preliminary Results of Surveys of 5,263 Medical X-ray Facilities, 1962–1967," *Rad. Health Data and Reports*, Vol. 10, No. 6 (June 1969) pp. 235–246.

Public Health Service, "Population Dose from X-Rays, U.S. 1964," Publication No. 2001 (October 1969).

Rosenthal, R. B., and Malcolm, J. C., "Results of a Program Directed Toward Reduction of Dental X-ray Exposure," *Rad. Health Data and Reports*, Vol. 11, No. 3, (March 1970) pp. 109–115.

Snow, D. L., "Standard Needs in Controlling Radiation Exposure of the Public," *Amer. Jnl. Pub. Health*, Vol. 60, No. 2 (February 1970) pp. 243–248.

S. 3975—INTRODUCTION OF A BILL TO CARRY INTO EFFECT A PROVISION OF THE CONVENTION OF PARIS FOR THE PROTECTION OF INDUSTRIAL PROPERTY, AS REVISED AT STOCKHOLM, SWEDEN, JULY 14, 1967

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks, and Copyrights, I introduce, by request, a bill to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967.

I am introducing this bill at the request of the Department of Commerce. The provisions of this legislation do not necessarily reflect my personal views, but do warrant the active consideration of the Senate.

The bill amends sections 102(d) and 119 of title 35, United States Code. Section 119 presently provides for the award of a right of priority for applications filed in the United States on the basis of foreign applications for patents. A U.S. application, under the provisions of section 119, must be filed within 1 year of the date of filing of the foreign application in order to receive a right of priority, and the foreign application on which priority is based must have been filed in a country which itself accords a right of priority on the basis of earlier filed U.S. applications for patent.

The bill would provide for a right of priority on the basis of applications for inventors' certificates as well as patents, subject to the same requirements for such a right as now apply in the case of priority based on a foreign patent application. The recognition of priority rights on inventors' certificates in the foreign countries concerned is conditioned on the availability to applicants of the option of obtaining either patents or inventors' certificates in these foreign countries and on adherence to the Stockholm Revision of the Paris Convention.

The bill, by its amendment of section 102(d), would preclude the granting of U.S. patents on the basis of earlier inventors' certificates under the same conditions as foreign patents bar the obtaining of a patent in the United States.

The bill would come into effect, as to the granting of priority, on the date that the Paris Convention for the Protection of Industrial Property of March 20, 1883, as revised at Stockholm, July 14, 1967, comes into force with respect to the United States and would apply only to applications filed in the United States thereafter. The amendments at section 2 of the bill, concerned with the effect of an inventor's certificate in barring a U.S. patent, would come into effect 6 months after the date of taking effect in the United States of the Stockholm Revision of the Paris Convention.

I ask unanimous consent that the language of the bill appear at this point in the RECORD.

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

The bill (S. 3975) to carry into effect a provision of the Convention of Paris for the Protection of Industrial Property, as revised at Stockholm, Sweden, July 14, 1967, introduced by Mr. McCLELLAN, by request, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 3975

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 119 of title 35 of the United States Code, entitled "Patents", is amended by adding at the end thereof the following paragraph:

"Applications for inventors' certificates filed in a foreign country in which applicants have a right to apply, at their discretion, either for a patent or for an inventor's certificate shall be treated in this country in the same manner and have the same effect for purpose of the right of priority under this section as applications for patents, subject to the same conditions and requirements of this section as apply to applications for patents, provided such applicants are entitled to the benefits of the Stockholm Revision of the Paris Convention at the time of such filing.

SEC. 2. Subsection 102(d) of title 35 of the United States Code is amended by adding ", or was the subject of an inventor's certificate," after "or caused to be patented" and by adding "for patent or inventor's certificate" after "on an application", so that the subsection reads: "the invention was first patented or caused to be patented, or was the subject of an inventor's certificate, by the applicant or his representatives or assigns in a foreign country prior to the date of the application for patent in this country on an application for patent or inventor's certificate, filed more than twelve months before the filing of the application in the United States, or"

SEC. 3(a) Section 1 of this Act shall take effect on the date when the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, comes into force with respect to the United States and shall apply only to applications thereafter filed in the United States.

(b) The amendments to subsection 102(d) of title 35 of the United States Code, at section 2 of this Act, shall take effect six months from the date when the Paris Convention of March 20, 1883, for the Protection of Industrial Property, as revised at Stockholm, July 14, 1967, comes into force with respect to the United States and shall apply to applications thereafter filed in the United States.

ADDITIONAL COSPONSORS OF BILLS

S. 3737

Mr. BAKER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Missouri (Mr. EAGLETON) be added as a cosponsor of S. 3737, to exempt from certain deep draft safety statutes passenger vessels operating solely on the inland rivers and waterways.

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

S. 3745

Mr. COOPER. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Oregon (Mr. HATFIELD) be added as a cosponsor of S. 3745, to amend existing Federal disaster assistance legislation, and for other purposes.

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

S. 3774

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the names of Senators BROOKE, CASE, EASTLAND, MUSKIE, PELL, TOWER, THURMOND, and WILLIAMS of New Jersey be added as cosponsors of S. 3774, to amend the act authorizing Federal participation in the cost of protecting certain shore areas in order to authorize increased Federal participation in the cost of projects providing hurricane protection.

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

S. 3867

Mr. CHURCH. Mr. President, at the request of the Senator from Massachusetts (Mr. KENNEDY), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of S. 3867, to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

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

S. 3964

Mr. JAVITS. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of S. 3964, to make rules respecting military hostilities in the absence of a declaration of war.

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

SENATE RESOLUTION 419—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE UTILIZATION OF AVAILABLE FUNDS TO MEET CERTAIN PAYROLL OBLIGATIONS PROVIDED FOR IN THE SECOND SUPPLEMENTAL APPROPRIATION ACT, 1970

Mr. ELLENDER submitted a resolution (S. Res. 419) to authorize the utilization of available funds to meet certain payroll obligations provided for in the Second Supplemental Appropriation Act,

1970, which was considered and agreed to.

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

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 62

Mr. DOLE. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Maryland (Mr. TYDINGS) be added as a cosponsor of Senate Concurrent Resolution 62, to designate May 1, 1970, as a day for an appeal for international justice for all American prisoners of war and servicemen missing in action in Southeast Asia.

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

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, June 16, 1970, he presented to the President of the United States the following enrolled bills:

S. 887. An act to further extend the period of restrictions on lands of the Quapaw Indians, Oklahoma, and for other purposes;

S. 1479. 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; and

S. 2940. An act to amend the act of June 28, 1948, as amended, relating to the acquisition of property for the Independence National Historical Park.

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—AMENDMENT

AMENDMENT NO. 700

Mr. KENNEDY. Mr. President, I submit an amendment, intended to be proposed by me, to the bill (S. 3867) the Employment and Training Opportunities Act of 1970.

My amendment retains much of the language in the present version of title VI, the Indian manpower services portion of the act. The distinguished Senator from Wisconsin (Mr. NELSON), who authored this imaginative and forward-looking legislation, has introduced a measure which clearly steps over the line from rhetoric to commitment, from good intentions to action. For too long the Congress has been aware of the condition of Indians and Alaskan natives; Government has characteristically paid only lip service to fulfilling its pledge to support their development. Passage of the Employment and Training Opportunities Act will represent a significant Federal commitment to the long-term reduction of unemployment in the country; my amendment provides a vehicle for meeting a long overdue obligation to the most overstudied group of Americans.

The Indian's boredom and frustration with the "lo-the-poor-Indian" syndrome is roughly equatable with the non-Indian guilt for having done so little to support Indian remedies for their own problems. Indeed, the history of even well-intended efforts to "help the Indians" is distinguished by failure—precisely because those efforts tried to make the Indian over into someone he is not. Each time the Government offered help it attached, explicitly or implicitly, a simple but unconscionable condition—the condition that Indians give up their cultural identity. This, coupled with policies and practices which were calculated and implemented to destroy Indian identity and to expropriate Indian resources, attests poorly to the larger society and the Government it created in the name of cultural plurality.

But even where past Government practices have resulted in Indian feelings of guilt and inferiority about their own identity, American Indians have steadfastly refused to give up their identity as the price for economic security.

The poverty and lack of development in native American communities are the results of misplaced governmental priorities which call for expenditure of billions of dollars annually to support economic development and military security on behalf of nations outside its own borders, with no corresponding long-range commitments to its own native peoples.

Yet even our foreign aid to "neutral" nations is not contingent upon the abandonment of identity of the people of those nations. Indeed it is extended to prevent the encroachment of externally imposed governments and ways of life. Little wonder, then, that Indian songstress Buffy Sainte-Marie sings of "The genocide, basic to this country's birth" from colonialism, and of the "blue-white and starlit hypocrisy" of Federal policy. Small wonder then that Vine Deloria, Jr., a Standing Rock Sioux and author of "Custer Died for Your Sins," observes:

> When Indian people remember how weak and helpless the United States once was, how much it needed the good graces of the tribes for its very existence, how the tribes shepherded the ignorant colonists through drought and blizzard, kept them alive, helped them grow—they burn with resentment at the treatment they have since received from the United States government.
>
> It is as if a man had invited a helpless person to his home, fed and clothed him until he was strong and able to care for himself, only to have the person he had nursed wreak incredible havoc on the entire household. And all this destruction in the name of help. It is too much to bear.

Mr. President, no useful purpose would be served here by yet another long documentation and description of Indian poverty and deprivation. The hearings, field reports, and final report of the Special Subcommittee on Indian Education and the compilation of papers on economic development in native American communities prepared by the Joint Economic Committee contain extensive data and vivid descriptions of the living conditions of American Indians and Alaska natives. It should suffice to say that while Indians and Alaska natives represent about 1 percent of our population, they constitute roughly 10 percent of the Nation's unemployed.

Joblessness on some reservations runs as high as 80 percent—or 16 times as high as the currently unacceptable national average. Three-quarters of reservation Indian families have earned incomes of less than $3,000 per year. The conditions imposed by this destitution on the lives of these people serve to reinforce its perpetuation.

In his paper on the Navajos in the Joint Economic Committee compendium, Dr. David Aberle describes how both poor housing and lack of adequate roads and water systems tend to prevent men from taking training and jobs, even if they were available. The need for fuel and water requires that many Navajo men spend several hours a day gathering wood and carting water from wells—sometimes from as far as 4 miles away, and seldom less than a quarter of a mile away from their homes. Thus poverty and attendant living conditions can serve to prevent participation in reservation labor forces. Comparatively low-labor force participation rates for Indians are thoroughly documented in another part of the Joint Economic Committee compendium by Dr. Alan Sorkin, who as a member of the Brookings Institution staff visited numerous reservations in conducting his study of Indian unemployment.

Mr. President, this body had been content for too long with simply turning out descriptions of every last thread in the fabric of Indian poverty. Indians and Alaska natives are tired and angry with the repetitious descriptions of their deprivation. They are also tired and frustrated with the machinery of Government that has done little or nothing to change those conditions, much less to furnish the resources with which Indians could begin to change those conditions on their own behalf. Moreover, they are increasingly impatient with being described as "not knowing what they want" and as not having the capability to accomplish what they want if they did know—especially as they can show the countless and largely ignored articulate statements of their leaders and the long list of approved but unfunded projects which they have designed for their own development.

It is to Senator NELSON's great credit, Mr. President, that the major provisions of title VI of the Employment and Training Opportunities Act are based upon Indian articulation of their own needs. So also are the major features of the amendment I am introducing today.

Section 601(a) of the amendment to title VI acknowledges the fact of serious Indian unemployment and the need for comprehensive Indian manpower programs. It also, and most importantly, acknowledges the need for Indian determination and direction of the programs which affect their lives.

Section 601(b) is a declaration that in order to meet those recognized needs, the program can best be administered at the national level. In testifying on various manpower proposals before the Employment, Manpower and Poverty Subcommittee, Mr. Bruce Wilkie, executive director of the National Congress of American Indians, stated that while he was in sympathy with the need

to bring more order and clarity to the maze of available manpower programs:

> We (the NCAI) are concerned that if the States obtain complete control of funding of manpower training, Indian reservations in many states will not receive their fair share of available funds—There is even more reason to doubt the effectiveness of a State administered program in the case of Indian reservations where historically the needs of Indian poor have met with indifference, if not outright hostility by State officials.

And as former director of the community action program of the Makah Indian Reservation, Mr. Wilkie has firsthand knowledge of the problems to be encountered in the distribution of resources at the State level. His reservation is located on the tip of the Olympic Peninsula on Pudget Sound in the State of Washington, roughly 150 miles from Seattle. Half of that distance is covered by a treacherous two lane road with 180 switchbacks paved over washouts of glacial rubble, with dangerous rock overhangs. The Makahs, while making substantial efforts to improve the effectiveness of their fishing industry and other development projects, are seriously hampered by the lack of adequate land access to the nearest major market area. Thus the problem of reservation development and State relations extends beyond the borders of the reservation.

In Arizona, the development of increasing tourism for the Havasupis in the Grand Canyon is likewise hampered by the absence of a good road from the main highway to the rim of the canyon. A congressional staff member queried a former member of the State legislature in that State who was "interested in Indians" about why needed improvements were recognized but not met. The answer was to the effect that there were not enough votes in that remote area to justify the expenditure.

Mr. Wendell Chino, distinguished former president of the National Congress of American Indians and chairman of the Mescahero Apache Tribal Council, cites the lack of State cooperation as a major deterrent to development of his reservation in a statement prepared for the National Council of Indian opportunity. That observation is echoed several times over in the "Outreach Report" currently being prepared by that organization and based on field evaluations conducted by Indians. To these can be added the testimony of representatives from Sioux Tribes in North and South Dakota before the Manpower Subcommittee last March, and an evaluation of Indian manpower programs conducted by the Labor Department itself.

However, the need to administer Indian manpower programs at the national level extends beyond the need to insure an equitable distribution of training resources to programs responsive to special Indian needs. For one matter, there is the special nature of the trust relationship between the Federal Government and many Indian communities. This includes not only reservation communities, but includes, for example, Oklahoma, which has a large and impoverished Indian population and no reservations. For another matter, administration of Indian manpower programs at the national level is necessary to avoid conflicts which might arise in cases where tribes have legal suits pending against State governments for restoration of rights or property. Support for manpower development programs should not in any way be subjected to pressure for withdrawal because of adversary proceedings against State governments.

By the same token, Mr. President, nothing in the language of this title would preclude Indian groups from availing themselves of State services, if indeed those services were deemed relevant by Indians to their current manpower problems.

Section 601(b) of my amendment further declares that the programs and resources provided under the title shall not be limited to federally recognized tribes and bands. To do so would amount to exclusion of Alaskan natives, terminated tribes such as the Menomenees and Klamaths, tribes and bands in New York State and Maine, and other Indian groups whose needs are manifest.

Finally, section 601(b) declares that programs provided by this title shall be administered with a maximum of Indian determination and direction. A major failure of Indian policy in the past has been the construction of programs which are more in the name of Indians than in the interest of Indians. To initiate yet another program in that cast would be to invite a perpetuation of past failures with attendant waste of public resources. Those Senators who served with me on the Special Subcommittee on Indian Education agree that the single most important improvement to be gained in Indian education programs is a substantial increase in Indian direction and involvement in their development and operation. In the strong words of four minority members of the subcommittee:

> We stress realization over promise, especially as concerns what is the most important recommendation contributed by the Republican membership of the Subcommittee; namely, a means to achieve the guidance of Indians by themselves of the education of their own children.

The remaining sections of this title are designed to implement this commitment to maximizing Indian involvement in programs relating to Indian development. Section 602(a) provides that the Secretary of Labor shall create an Office of Indian Manpower Services in the Department of Labor. Section 602(b) directs the Secretary of Labor to appoint a director of that office who is of native American descent. In making this appointment, the Secretary of Labor should seek the advice of Indian members of the National Indian Manpower Advisory Committee established under section 604 of this title, as well as representatives of existing Indian organizations.

Section 603(a) is aimed at insuring adequate flexibility for programs funded under the provisions of this title. Especially in light of the serious economic development needs in native American communities, the design of appropriate Indian manpower programs should not be rigidly constrained by literal application of present guidelines and restraints. In carrying out both the spirit and intent of this title, it is of critical importance that the Office of Indian Manpower Services is free to work with Indian communities to arrive at programs which are consonant with the overall social economic objectives of those communities.

As a general matter, Indian manpower programs should seek to serve individual as well as community development and individual security as well as economic viability for the community. However, specific programs aimed at those goals may well vary from community to community. Too much of the limited resources for manpower programs has so far been used to train Indians for jobs they already know how to perform, or which are available only in places where Indians do not want to go. On-the-job training funds have been used more as subsidies to non-Indian enterprises than to promote Indian development. There have been cases where such non-Indian enterprises have located on reservations, in facilities constructed with tribal funds, only to pull up stakes and leave when the subsidy created in the name of training dried up.

The lack or slowness of development in Indian communities has until now served as an excuse to emphasize relocation of Indians to urban areas where many jobs already existed. And yet it is well known that many Indians have left their home communities reluctantly and would prefer to return if they could. Indians who want to avail themselves of training opportunities in the larger society should be free to do so. However, that choice should be based on the availability of such opportunities in their home communities as well.

Simply stated, Mr. President, relocation and training should not be used as a one-way street to propel Indians into the non-Indian mainstream, "out of our pocketbooks and off our consciencies." To the greatest extent possible off-reservation training should be consistent with the needs and opportunities implied by reservation development programs. To that end both tribal governments and the Office of Indian Manpower Services must work toward insuring the creation of employment opportunities which are consonant with economic and social development.

The fact that development has lagged in Indian communities should not be construed to reflect lack of interest or effort on the part of Indians. Alaska natives are working on the establishment of their own development corporation. Ways are being sought to establish a pan-Indian development bank. Efforts are being made to create an intertribal marketing organization which would increase the return to Indians on their unique craft skills.

At the tribal level, the Zuni Pueblo has constructed a thoroughly integrated 5-year development plan. Its articulation matches activities and their scheduling against the resources which will be required to carry it out. In Bethel, Alaska, natives have organized a fishing, processing, and marketing cooperative. This co-op is an excellent example of an effort which builds on a traditional native ac-

tivity and by utilizing modern equipment and techniques increases the return to natives for their efforts. On the Lumnee Reservation in Washington, the tribe has embarked on the development of an aquatic farm that will produce a variety of marketable products. Tribal members provided all of the construction effort for the endeavor, and when it becomes fully operational it is expected to generate an average family income of $8,000 or more. In Minnesota, some Chippewa bands are seeking resources to expand the production of wild rice. And the Makah Tribe in Washington has established a fleet of modern fishing vessels—designed to their specifications—in order to take greater advantage of the productive salmon waters of Puget Sound.

These efforts, Mr. President, suggest a whole range of potential training activities including management and marketing skills, banking skills, and a host of others which not only will provide more adequate incomes but which are necessary for development efforts. Every group served by this title should be encouraged to think and plan imaginatively about the content of their training programs. They should not be burdened by the folklore that Indians can only work with their hands or will only work during certain times of the year. Resources provided by this measure might be used for training programs in various aspects of tribal government, in community services skills needed for health, education, legal or any other program which a group has deemed important to its comprehensive development. Where skills are present in some Indian communities, resources provided by this measure might be used by other groups to obtain training and technical assistance from Indians. For example, a program might be developed which would permit other reservations to avail themselves of the planning capabilities of the Zuni Pueblo.

Given the seasonal nature of economic activity in many communities, programs might be designed to provide members with multi-occupational capabilities. Reservations in particular are not subjected to the structural and organizational rigidities of the overall labor market. An intertribal group might wish to sponsor and operate a training facility such as the Northwest Indian Manpower Skills Center on the Flatland Reservation in Montana. This facility, which is presently idle, could become an exemplary training program staffed and administered by the participating tribes, with a curriculum designed to serve reservation employment needs, and with involvement of the participating tribes in all manpower functions from enrollee recruitment to graduate placement.

I have advanced these examples, Mr. President, to suggest the spirit of this title—not to impose specific tasks on Indians or their communities. In presenting this amendment I hope that Indians can gain more assurance that Congress is lifting the yoke of stereotyped attitudes toward them and intends to support their search for meaningful programs to meet their needs as they perceive them.

Section 603(b) of this title is of utmost importance to this program. Without providing for a binding assurance that funds would be available to carry out this program, Indians would have been left with what could be characterized as a shiney new vehicle without wheels or a motor. Without funds to implement and sustain training programs, Indians might well view this act as yet another token gesture, much sound signifying nothing. Development assistance to Indians has been praised in principle for a decade by Government officials and promised for almost as long by candidates for public office. The substance of this measure and the resources provided for in this section represent an important part of delivering on the commitment.

It should be realized that manpower programs in general are presently funded well below the level of need. In the case of Indians, the amount provided will also continue to be less than needed, especially in light of the extent of their economic disadvantage. My amendment, however, attempts to make their share of available funds commensurate with their share of the burden of unemployment in this country. It also attempts to assure them that they will share commensurately when a reordering of national priorities permits an increase in the allocation of resources to support human development programs.

Section 604 of this title is designed to give Indians an advisory as well as an administrative capacity in the design and operation of their manpower development programs. Moreover, the National Indian Manpower Advisory Committee could usefully serve the purpose of evaluating the effectiveness of programs in terms of standards developed by groups involved with those programs.

Section 605 directs that a special section of the manpower report of the President be devoted to a description of the programs carried out under this title. As the program begins there will be some unavoidable confusion, and mistakes will be made. This section of the manpower report should be openly frank about the problems encountered and the remedies required. Neither the program nor the report should be preoccupied with short-term successes designed merely for the image of program administrators rather than for the realities of Indian needs and program development.

Finally, there is the need to assure native Americans that this legislation in no way impairs their trust status with the United States. Agencies of the Government other than the Labor Deparment are not relieved of their responsibilities to Indians and Indian communities when this act becomes law. In the past, Indians have tended to view legislation enacted for their benefit as disguised efforts to terminate their trust relationship with the United States. This amendment—in word and intent—is an Indian development title, not a termination bill. It is a commitment to action, not to lip-service to the "Indian problem."

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

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

The amendment (No. 700) was referred to the Committee on Labor and Public Welfare, as follows:

AMENDMENT NO. 700

Proposed amendment to S. 3867: Strike present language of title VI and insert the following:

TITLE VI—INDIAN MANPOWER SERVICES

STATEMENT OF FINDINGS AND PURPOSE

SEC. 601. (a) The Congress finds that (1) serious unemployment and economic disadvantage exits among members of Indian and Alaskan Native communities; (2) there is a compelling need for the establishment of comprehensive manpower training and employment programs for members of those communities; (3) such programs are essential to the reduction of economic disadvantage among individual members of those communities and to the advancement of economic and social development in those communities consistent with their goals and life-styles.

(b) The Congress therefore declares that because of the special relationship between the Federal government and most of those to be served by the provisions of this title (1) such programs can best be administered at the national level; (2) such programs shall be available to federally recognized tribes, bands and individuals and to other groups and individuals of native American descent such as, but not limited to, the Minomenees in Wisconsin, the Klamaths in Oregon, the Oklahoma Indians, the Passamaquoddys and Penobscots in Maine, and Eskimos and Aleuts in Alaska; (3) such programs shall be administered in such a manner as to maximize the federal commitment to support growth and development as determined by representatives of the communities and groups served by this title.

ESTABLISHMENT OF OFFICE OF INDIAN MANPOWER SERVICES

SEC. 602 (a) There is hereby established in the Department of Labor an Office of Indian Manpower Services which, under the direction of the Secretary of Labor, shall have responsibility for administering the Indian Manpower Services Programs authorized by this title.

(b) The Secretary of Labor shall appoint a qualified person of native American ancestry as Director of the Office of Indian Manpower Services. The appointment of the Director and such staff as may be required shall be without regard to the provisions of title 5, United States Code, relating to the competitive service, but such appointees shall be entitled to the same rights, privileges, and benefits provided employees in such service.

ELIGIBLE ACTIVITIES AND APPROPRIATIONS

SEC. 603. (a) The programs and activities for which funds under this title may be expended shall include but not be limited to the programs and activities authorized under other titles of this Act, and such other programs and activities as the Secretary deems necessary to carry out the purposes of this title.

(b) To carry out the provisions of this title, not less than ten percent of all funds appropriated in each fiscal year under the provisions of this Act shall be expended for programs established pursuant to this title.

NATIONAL INDIAN MANPOWER ADVISORY COMMITTEE

SEC. 604. The Secretary of Labor shall appoint a National Indian Manpower Advisory Committee which shall consist of at least 5 but not more than 10 members, and shall be composed of men and women representing Indian tribes and groups, and other persons

interested in the problems of manpower training and employment on Indian reservations and among Indian groups. Indians shall constitute a majority of the Committee membership, which shall designate its own chairman. Such Committee, or any duly established subcommittee thereof, shall from time to time make recommendations to the Secretary concerning problems and policy relating to employment and manpower and to the carrying out of his duties under this title. Such Committee shall hold not less than two meetings during each calendar year. The appointed members of the National Indian Manpower Advisory Committee shall be paid compensation at a rate not to exceed the daily equivalent for a GS–18 while engaged in the work of the National Indian Manpower Advisory Committee, including travel time, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem when actually employed basis. The Director and staff of the Office of Indian Manpower Services shall provide the Committee with such services as may be necessary for the Committee to carry out its functions.

SEC. 605. A special section of the Manpower Report of the President shall be directed to describing the activities prescirbed under the provisions of this title.

SEC. 606. No provision of this Title shall abrogate in any way the trust responsibilities of the Federal Government to Indian bands or tribes.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT—AMENDMENT

AMENDMENT NO. 701

Mr. THURMOND proposed an amendment to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to be printed.

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

SECOND SUPPLEMENTAL APPROPRIATIONS BILL, 1970—AMENDMENTS

AMENDMENTS NOS. 702 THROUGH 704

CIVIL RIGHTS AMENDMENTS TO SECOND SUPPLEMENTAL APPROPRIATIONS BILL

Mr. MONDALE. Mr. President, I rise today to submit for myself, Mr. CASE, Mr. KENNEDY, Mr. MUSKIE, Mr. JAVITS, Mr. BAYH, Mr. BROOKE, and others, three amendments to H.R. 17399, the second supplemental appropriations bill. These amendments are technical revisions of amendments 690, 691, and 692 which I submitted last week.

This bill, which was reported by the Appropriations Committee on June 8, contains the $150 million that the administration seeks under existing legislative authority to assist school desegregation this summer and throughout the 1970–71 school year. These funds represent the initial portion of the President's desegregation proposal. They would be added to the following programs: Part D of the Educations Professions Development Act, the Cooperative Research Act, title IV of the Civil Rights Act of 1964, sections 402 and 807 of the Elementary and Secondary Education Act, and title II of the Economic Opportunity Act. The administration will request additional funds under its proposed Emergency School Aid Act of 1970 following congressional action on the bill.

I strongly support the idea of making funds available to assist school districts throughout the Nation to attain quality integrated education. I am concerned, however, about reports that school districts which have "desegregated" in only the most token and misleading way might be eligible for these funds. I am concerned that these funds may be wasted in "desegregated schools" which:

Retain totally segregated classes,

Are still operating under ineffective freedom of choice plans,

Are transferring their facilities and equipment to private segregated academies,

Are in districts which have reduced the level of local and State financial aid for schools when they desegregate in order to ease the financial burden on parents whose children attend these segregated academies,

Have discriminatorily fired or demoted black faculty,

Or in other ways have abused and circumvented the goal of quality integrated education.

I am concerned, moreover, that these funds may be distributed in a fashion that denies equal opportunity to schools outside the 17 Southern and border States facing legal requirements to desegregate.

The Select Committee on Equal Educational Opportunity has received testimony from several individuals and organizations documenting the existence of this kind of token or paper compliance. We have heard, for example, about one school which is "desegregated" under a court order but retains segregated classrooms, staggered and segregated lunch periods, staggered and segregated bus routes, and separate bells so that black and white students change classes at different times. It is essential that schools such as this one which are making a mockery of the desegregation process do not receive funding under this appropriation.

I am extremely gratified that Secretary Finch, when he testified recently before a joint hearing of the Education Subcommittee and the Select Committee on Equal Educational Opportunity assured the Senate that "under no circumstances" will districts abusing the desegregation process through mere technical or cosmetic compliance receive funding. Therefore, we are introducing these amendments to the second supplemental to provide the Secretary with explicit authority to fulfill his commitment in several specific situations. I ask unanimous consent that copies of these amendments be printed at the end of my remarks.

Amendment No. 702 would prohibit assistance under this appropriation to school districts which have transferred property, services or equipment to nonpublic schools that practice discrimination on the basis of race, color or national origin. This amendment seeks to prevent Federal subsidies of private segregated academies in cases, such as those described in a report by the National Education Association, where a "public school, opened in 1947, was declared surplus by school officials in June 1969 and sold to an individual, using sealed bids, for $1,500 and team members learned that the purchaser, in turn, sold it to a private group for $10,"—where "former public school buses, also declared surplus and put up for bid, have been obtained and are now being used to transport the students to the school"—where "localities 'surplus' public school furniture has been sold to private schools," or where "some equipment purchased with title I funds disappeared from the public school in one county."

Amendment No. 703 would prohibit funds under this appropriation from being used to supplant funds which, in the absence of funds under this section, or in the absence of desegregation, would have been made available from non-Federal sources for the education of pupils in a recipient school district. It is designed to prohibit assistance under this appropriation to school districts which have substituted these funds for non-Federal funds, or have reduced local millage or State support for public schools during the desegregation process in order to ease the financial burden on parents whose children attend segregated academies.

Amendment No. 704 would assure that any school district desegregating under a legal requirement—wherever the school district is located or whether it is desegregating as the result of State or Federal law—would be eligible for assistance under this appropriation. The administration has testified that this appropriation would be restricted to school districts desegregating under title VI of the Civil Rights Act of 1964 or Federal court order in the 17 Southern and border States. We do not believe that school districts such as Pasadena, Calif.; Denver, Colo.; South Holland, Ill.; or Pontiac, Mich.; which are desegregating under a Federal court order, or Los Angeles, Calif., which is desegregating under a State court order, should be denied eligibility for assistance under this appropriation.

These amendments, coupled with the administration's commitments to prevent abuses, can help assure that funds under this appropriation are granted to districts which are making honest efforts to desegregate their schools under legal requirement, regardless of their location. They can help assure that the funds are distributed equitably among districts with legitimate needs. They can help prevent a Federal subsidy of paper compliance.

The leadership conference on civil rights supports these amendments as the minimum necessary to help assure that the $150 million appropriation is used properly. The National Education Association has also endorsed these amendments.

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

The amendments are as follows:

AMENDMENT NO. 702

On page 15, line 2, insert before the period a colon and the following: *"Provided further,* That no part of the funds contained in this appropriation shall be used to assist a school district which, subsequent to the beginning of the 1969–1970 school year, has engaged in the gift, lease, or sale of real or personal property, or services, to a nonpublic elementary or secondary school or school system practicing discrimination on the basis of race, color, or national origin."

AMENDMENT NO. 703

On page 15, line 2, insert before the period a colon and the following: *"Provided further,* That no part of the funds contained in this appropriation shall be used to supplant funding from non-Federal sources, which has been reduced as the result of desegregation or the availability of funding under this section."

AMENDMENT NO. 704

On page 15, line 2, insert before the period a colon and the following: *"Provided further,* That no part of the funds contained in this appropriation shall be made available to carry out any program or activity under any policy, procedure, or practice denying funds to any school district legally required to desegregate schools, on the basis of geography or the source of the legal requirement."

APPROPRIATIONS FOR EDUCATION

Mr. COTTON. Mr. President, I ask unanimous consent that I may proceed for 6 minutes.

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

Mr. COTTON. Mr. President, the Senator from New Hampshire has called the Senate's attention several times to the most unfortunate situation—indeed, I would say the desperate situation—in which the Senate finds itself in regard to the appropriation bill for the support of education in this country. It is being held up at a time when it is most necessary and should be passed.

I do not want to go over the same ground; but last year, because the delay in getting our appropriation bills out, it was November before the school districts in this country could know what they were going to have in the way of Federal aid. We undertook to remedy that situation this year.

The House of Representatives and the Appropriations Committee of the House cooperated. They separated the HEW appropriation bill and took up separately the appropriations for education, leaving health and welfare to come later. They got it out of the House early.

Our Subcommittee on HEW, under the chairmanship of the Senator from Washington, moved expeditiously. We held hearings. We went over it thoroughly, but rapidly, and put in a great deal of time, running sometimes into the evening, to get this bill prepared, marked up, and before the full Appropriations Committee. The full Appropriations Committee, reported it to the Senate, and it has been on the calendar since the 15th of last month. It has not yet been considered.

I will say, frankly, that I have been disappointed that we meet on Mondays, for example, and we are all through at 2:30 or 3 o'clock, with nothing to do until the next day. I would like to see the Senate's feet put to the fire, and I would like to take this bill up some Saturday morning at 9 o'clock and keep working until we pass on it. If people find it inconvenient to be here on Saturday to argue about the Whitten amendments or something else, let them pay the penalty of being away.

I want to see—and others want to see—this bill acted upon. The schools are closing; most of them are closed; the commencements are taking place. The school boards, the school authorities, and the superintendents of supervisory districts all over the country have to start hiring teachers for next year.

I want to call the Senate's attention to some of the things being held up. They include elementary and secondary school appropriations, they include grants for urban and rural schools, for reading and instruction equipment, for dropout prevention and for bilingual education. They include impacted area funds, so vital to some districts; they include, as well, funds for education for the handicapped. It is vital to get teachers trained to deal with the handicapped. That is a real need in the care of the handicapped—to hire and train teachers who can deal with the deaf, and the blind, or the physically paralyzed. Then there is vocational education. And there are national defense education loans for students for higher education. All these things are being held up.

Every dollar we spend in fiscal 1971 will not be worth more than 66⅔ cents or 80 cents if we do not know ahead of time that it will be spent so that it can be spent wisely, intelligently, and considerately. It is just that vital, so far as the Senator from New Hampshire is concerned.

Mr. President, I have taken no part in the present prolonged debate. Some of my dearest friends are involved in it, so I would not call it a filibuster or use any harsh terms, but I have taken no part in this continued deliberation. I do not know where it comes from. If the White House wants the debate to go on interminably, no one from the White House has told me. I deal with members of the President's staff frequently. It has been a secret, so far as this Senator is concerned. I have served 16 years in this body and I would expect to know. I have not been able to learn from our chosen leaders on this side of the aisle who is behind this, whether it is a spontaneous effort or whether it is a calculated effort, I do not know and I do not care. But I do know one thing:

That is this: If there is anyone in the Senate who does not know how he will vote on the Church-Cooper amendment after all this deliberation, then I shall be greatly surprised. But if there is, he should engage the services of a psychiatrist.

I am not going to befoul my own nest and talk about the responsible people on this side of the aisle who, after all, should be and in a sense do represent the administration on the floor of the Senate. I regret that the leadership on the other side will let us go home early on Mondays, which means that we waste most of Monday and we waste all Saturdays.

I think that this bill could be taken up now. I am not interested in the debate as to whether the Republicans are to blame for not taking it up because of this prolonged debate, or whether the Democrats are to blame, because there have been many days without loss of time in which this bill could have been disposed of. But it is vital that it should be disposed of.

I am not going to say as much now as I would feel free to say after I have been frank with many of my own colleagues in the Republican Policy Committee, but I want to serve notice, Mr. President, that so far as the Senator from New Hampshire is concerned, he is dismayed, disgusted, and distressed that this vital bill should not be taken up when every school district and every schoolchild in this country is suffering because of it.

I do not care where the blame lies. The Senator from New Hampshire intends to have something more to say on this point—and it will be very much to the point—to find out, even if he has to invade the sacred precincts of the White House and stand, hat in hand, to find out what is behind the complete paralysis of the Senate.

I shall be equally frank in dealing with the majority leader, for whom I have the most profound respect and warm feelings of friendship. But, we have got to have time to take care of this bill. The needs of the country are suffering.

Let the chips fall where they may. The Senator from New Hampshire intends, first, to speak frankly to his colleagues, if he can get them in at this noon in the Republican Policy Committee, and then he intends to speak frankly on the floor of the Senate, and I do not care whom I may be opposing.

When one serves in this body for 16 years, as I have, trying to be cooperative, trying to be considerate, and not taking the time of the Senate in a lot of oratory; when I am fully aware of the situation and my correspondence and telephone tell me every day of the desperate need for action on the education appropriation bill, then I believe that I am justified in coming to the conclusion the time has come that I am either going to make myself a perpetual nuisance in this body from now on, or resign as a Senator.

Mr. MANSFIELD. Mr. President, will the distinguished Senator from New Hampshire yield to me?

Mr. COTTON. I yield with pleasure to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, I can well understand the feelings of the distinguished senior Senator from New Hampshire and I appreciate what he has had to say. After all, I have known him for a long time in both the House and the Senate. As he knows, there is no Senator in this Chamber for whom I have greater admiration and respect than the Senator from New Hampshire. He does not have a low boiling point or a short fuse. He thinks and thinks and cogitates, and then he thinks some more and then, when he gets up on the floor of the Senate and makes a statement, it is a statement which I think not only his colleagues on the Republican side of the aisle should pay attention to, but his colleagues on the Democrat side as well.

So far as being a nuisance, in a sense, the distinguished Senator from New Hampshire has been a nuisance so far as the majority leader is concerned. I am getting a little bit tired of hearing about this education bill and the need for it; not that it is not true, but because we cannot dispose of the pending legislation which we have been discussing for almost a month now, and which we will stay on until it is completed if it takes from now until Doomsday or Christmas, whichever comes first.

The proposal has been made to set aside a period of 2, 3, or 4 hours to consider the education bill, as the distinguished Senator from New Hampshire recalls. With no luck, the same proposal has been made to consider the supplemental appropriation bill, which would mean only temporarily laying aside the pending bill.

But, I repeat, it will not be laid aside until it is disposed of one way or the other, no matter how long it takes—June 30, August 30. Whatever the date, that will be the date.

We do have a lot of business. When I discussed this first with the press yesterday, I was not joking when I said we could well be in session until Monday, January 3, 1971, with perhaps a 2-week recess for elections to take care of those of us who are not running this year. But when we look at the schedule, and when we consider the fact that we do have the supplemental appropriation bill and the education bill, there is nothing I would rather do than get the Senator from New Hampshire off my neck on this particular bill. I can tell the Senate that we have other appropriation bills and major items coming up. The postal pay reform proposal is one which, I understand, will cause a good deal of debate on the Senate floor. Then we have the repeal of the Gulf of Tonkin resolution, which should take some time to dispose of. It involves a most important issue. Then there is the military procurement bill to which certain amendments, which will take a great deal of time, will be attached.

So, all I can do is sympathize with the distinguished Senator from New Hampshire and give him no encouragement, but express the hope that if a time limitation could be reached we would take up the education bill. And if it would help any, I would be prepared to keep the Senate in until say 5 o'clock or 6 o'clock, with an hour off for supper, and then take up the education bill and the supplemental bills late into the evening, but only to lay aside the pending business temporarily, very temporarily, in an effort to accommodate the Senator from New Hampshire who has been most emphatic—for me, too emphatic—in trying to get action on the education bill.

Mr. COTTON. Mr. President, I ask unanimous consent that I may be permitted to continue for an additional 2 minutes.

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

Mr. COTTON. Mr. President, I want to thank the distinguished majority leader for his kindness and consideration. I realize his position, and the only thing I am going to take exception to—and this is not said boastfully—is the implication of the majority leader that all I am going to succeed in getting is some sympathy.

I think I am going to get more than that before I get through with this project.

The people of this country are pretty vitally interested in education. The school boards, the boards of education, and the mothers and fathers of the pupils are pretty interested. And they are not interested in seeing money withheld and time wasted when it is so badly needed.

I know what will happen. Every Republican will say, "Get the distinguished Senator from Montana (Mr. MANSFIELD), the majority leader, to see if we cannot stop wasting time and fooling around every day—and Mondays all day."

The Democrats will lay claim to a Republican "filibuster," but I call it "a prolonged debate." They will say, "Who is running this debate and who is causing it?"

The Democrats will say it is the Republicans who are to blame and that they will probably hear about it in the next campaign. That is all right. That is good political practice, and it is all right on both sides. But the fact remains that here is one bill that the country needs and the country is suffering because it has not been acted upon.

I can find other means. Other Senators will begin to harp on this. And I think from time to time there will be unanimous-consent requests made in the Senate to which there can be objections. I have never been discourteous to any colleague in all my 16 years here or objected frivolously to any unanimous-consent request. But I think that there are parliamentary weapons available which can help us do something about this.

I say this because I am interested in this bill solely at the present time.

Until this moment when I am talking about the bill, I have not detained the Senate for 1 single minute through all of this prolonged discussion about Vietnam and Cambodia and whether we should order our troops out or whether they should move 13 miles this way or 21 miles that way.

I have not argued that at all. I have not contributed to this extensive debate. I do not intend to for several reasons.

The main reason is that I want to see the education bill taken care of. Somebody is responsible. Someone is responsible for the situation we find ourselves in in the Senate. As far as I am concerned, I think that the administration would have been far better off if the Senate had gone ahead and voted on the Church-Cooper amendment. Suppose the amendment were agreed to. The heavens would not fall. The amendment would go to the House. And the chances are it would be thrown out by the House in conference. If it were to remain in the bill, the bill would go to the President, and the chances are better than even that the President would veto it. But I think that this business of just blowing up the matter and magnifying it until it has become an issue far beyond its importance, is a waste of our time.

I am not criticizing any of my colleagues who feel it their duty to rise and fight and prolong this matter, but we are doing an injury here to every school district and to every school child in the United States as long as this is continued.

A plague on both Houses. I do not care whether the Democrats are to blame or the Republicans are to blame or whether this is a spontaneous upheaval by a group of zealous Senators on the floor or whether the measure has the tacit approval of the minority leadership or whether someone in the White House thinks it is all right. I could not care less.

It is time we finished this discussion. It is time that we vote and then get down to the business of the Senate. I do not want to spare anyone in this and I do not want to be in the position of blaming anyone particularly. I will say that the distinguished majority leader has been most kind in his remarks. He knows that I admire and respect him greatly.

I am getting tired of having this plant shut down at 2 o'clock on Mondays, having no Saturday sessions and having this matter drone along day after day while the education bill lies on the counter.

I will have more to say later. I hope that I will get some support from some of my brethren.

Mr. MANSFIELD. Mr. President, all I can say is "Amen" to what my distinguished friend, the Senator from New Hampshire, has said. I would like to get the bill out of the way as soon as possible and be able to continue with the rest of the President's program.

I assure my colleagues on the other side of the aisle that we will do our very best to get the administration bills to the floor as soon as possible. I want to cooperate and act upon the administration measures insofar as we can. But there are certain questions of the most transcendent importance which face the Senate and the Nation which we ought to face up to in this sacred sanctum and we ought to do so without the help of anyone on the outside.

THE 20TH YEAR OF BABE RUTH BASEBALL

Mr. CASE. Mr. President, for 20 years Babe Ruth Baseball has provided teenage boys with the opportunity to play baseball in an organized program designed to develop physical fitness, sportsmanship, and fair play.

Beginning in Hamilton Township, a suburb of New Jersey's capital city of Trenton, Babe Ruth Baseball has grown from a small sandlot club to the world's largest teenage baseball program with more than 325,000 participants.

Babe Ruth Baseball long ago expanded beyond New Jersey's borders. Today it has leagues in all 50 States as well as in Canada, Puerto Rico, Europe, Guam, Mexico, and Asia. Each year these leagues, supervised by volunteers from all walks of life, teach youngsters baseball skills and the basic traditions of sportsmanship and team cooperation. It is a tribute to the most beloved baseball hero of all time that so many young men are being helped by the organization that bears Babe Ruth's name.

But while thousands of boys enjoy the summer months in Babe Ruth League play around the country, many others, particularly in the cities, are left behind with nothing to do, simply because there is too little recreational space. This is especially true in New Jersey and other northeastern, highly urbanized States where the sandlot has given way to concrete and asphalt, auto congestion, locked schoolyards, and blighted urban renewal areas.

Because of my own concern over the rapid disappearance of open space and parkland, estimated by Federal officials to occur at the rate of 1 million acres a year, I have again introduced legislation to require that any park or recreational land taken for other than park or recreational use shall be replaced in kind.

I believe legislation to protect America's valuable open space is needed more than ever today and I am pleased that Babe Ruth Baseball has expressed its commitment to the goal of obtaining more recreational areas in cities and suburbs, not only for amateur baseball but for other youth activities and sports.

I congratulate Babe Ruth Baseball on 20 years of service to the young people of our Nation and I welcome its commitment to making it possible in the coming years for many more thousands of youngsters to participate in wholesome, organized programs of baseball and other forms of recreation.

BABE RUTH BASEBALL DAY

Mr. PACKWOOD. Mr. President, I appreciate the fine remarks made earlier today by the distinguished Senator from New Jersey regarding the Babe Ruth Baseball program. Since today is Babe Ruth Baseball Day on Capitol Hill, I felt it would be appropriate to enter in the RECORD a statement by Mr. Ward Walker, director of Babe Ruth Baseball in Oregon, concerning the fine program which has developed in my State. I ask unanimous consent that the statement be printed in the RECORD.

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

Babe Ruth Baseball began in Oregon in 1953 as part of the Portland Amateur Baseball Association Program for 13, 14 and 15 year old boys. The first year there were 8 teams in Portland. In 1970, there are 43 leagues in the state with 327 teams in major competition and 50 in minor programs. There are more than 5,000 young men between the ages of 13 and 15 playing baseball in our program.

A good example of successful community involvement in Babe Ruth Baseball is the City of Baker, in Eastern Oregon. The weather in that area is not conducive to a spring high school program, but 10 years ago, some Baker citizens attended an organizational meeting in Pendleton where a league for Hermiston and Milton-Freewater was beginning. The Baker enthusiasts started their own 4 team league (now 6 teams) and they have built their own field. The towns people contributed dollars, equipment and hours of labor to build the field. The City of Grants Pass, in Southern Oregon, has, by community effort, built a similar field, involving no tax dollars and only volunteer effort.

Most other cities in Oregon have made similar sacrifices to help provide a strong baseball program for their youth.

The Babe Ruth Baseball Program seems to bring out the best in adults. It keeps many of us so darn busy there's no time left for trouble. The volunteer efforts have done much for community morale. We have doctors, lawyers, plumbers, electricians, carpenters, street cleaners, public officials, etc., all working together for the benefit of the kids. Later, this spirit of cooperation branches into other community activities.

Babe Ruth Baseball is not the only baseball program contributing in this manner, but, in Oregon, the Babe Ruth Program has often preceded Little League in many areas.

Oregon has done well in the national tournaments. In the last 15 years, Oregon's champion has represented its seven state region in the National Tournament 10 times. Portland teams have finished 2nd in the nation twice. Oregon hosted the Babe Ruth World Series in 1956 in Portland and in 1968 at Klamath Falls.

Although many graduates have gone on to Major League success, such as Harmon Killebrew, of the Twins, Mickey Lolich of the Tigers, Rick Wise of the Phillies and Keith Lampard of the Astros, our real pride in our program is in the development of better citizens.

If we added up all the people active in Babe Ruth Baseball during the last 15 years, we would exceed 100,000. Structurally, each league has a board of directors plus coaches and managers. All told, we have a tremendously enthusiastic community and state effort to put together a successful baseball program for the 13 to 15 year old ball players in Oregon.

AMERICAN PRISONERS OF WAR

Mr. PACKWOOD. Mr. President, we estimate that over 1,400 American men are still held prisoner by the North Vietnamese in conditions which violate not only the Geneva Conventions but also run contrary to the most elementary notions of human decency.

Our most sincere hope is that the North Vietnamese will join the rest of the civilized world and begin to offer at least the minimum civilities to their fellow man.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). The Chair recognizes the Senator from New York pursuant to the previous order.

THE ECONOMIC SITUATION

Mr. JAVITS. Mr. President, I shall detain the Senate briefly. I wish to make some observations which hopefully will have some effect, because this is an effort to make some recommendations in respect to the economy of the country and the impending speech of the President on that subject. I hope very much that the President will not adopt the line offered to us by his director of public relations, Mr. Klein, when he spoke of the need for "orchestrated optimism" in all administration statements about the economy. In my view, concrete actions are needed and my suggestions toward the end of getting our economy moving again follow.

"Orchestrated optimism" in itself is not a bad policy since lack of confidence can materially affect an economy and a stock market. However, "orchestrated optimism" can be dangerous unless it is backed by the basic policy steps needed for getting our economy moving again in the context of diminishing inflation. I am not convinced that the necessary steps are being taken at a time when the state of our economy is anything but healthy. Inflationary pressures continue unabated, the rate of real economic growth is moving deeper into negative territory, unemployment has reached 5 percent of the labor force, the budget has become unbalanced, interest rates peak only to rise again to new heights, the screws on business profits are tightening, consumer confidence continues to lag, and the stock market struggles in the 700 range while the financial markets are in a deplorable state. Against this backdrop of discordant economic notes, "orchestrated optimism" runs the danger of being a public-relations gimmick serving to widen the already existing credibility gap that confronts the administration over its handling of the economy. Unless there is prompt action by the President, another generation of Americans could be growing up with the memory of another Republican administration unable to manage the economy. I do not mean to imply that the state of our economy is anything near as serious as it was in 1929. I agree with the London Economist when it observes:

Present worry at present is not that the world faces the possibility of another 1929 but that it faces the probability of another 1953–60.

Hitherto, the sophistication of Mr. Nixon's team had led one to hope for economic policies from his administration. The hope is not dead, but it is clearly fading.

My great concern is that "fumbling economic policies" in the early 1970's are more dangerous to America than fumbling economic policies of the late 1950's. The social and moral fabric has been severely strained from many causes, most of which relate to the 7-year plague of Vietnam. The justified higher expectations of the disadvantaged living in our cities have made unemployment rates that were tolerable in the 1950's and early 1960's intolerable today.

As this Nation faces its most serious economic problems in more than a decade and its most serious social problems since the depression, the necessity for a prompt re-ordering of our national priorities becomes critically urgent. The key element which continues to mitigate against this Nation's and this administration's adoption of a new tack is the Indochina war and the administration's timetable for withdrawal. Until all our troops are on the way to be brought home the social fabric of our Nation will continue to be rendered and our Nation's economy will persist in its unhealthy state.

More and more business leaders are aware of the connection between Vietnam and the health of our Nation's economy and are saying it publicly. I have pointed to the remarks of John Connor of the Allied Chemical Co. and Louis Lundborg of the Bank of America which forcefully drew the connec-

tion between economic and social sickness at home and the Vietnamese war.

In recent days two more highly respected business leaders have spoken. In a recent hearing before the Senate Foreign Relations Committee, Thomas Watson, the chairman of the board of IBM stated:

> The war in Vietnam is a major factor which has turned our healthy economy into an unhealthy one adding that as long as our involvement in Vietnam continues, it will be a major obstacle both to the short and long term health of the country.

At the same approximate time the president of Du Pont, Charles B. McCloy, stated that because of the war confidence in our economy as well as the social stability of the United States is being strained, that major domestic needs are not getting the attention they should have and that the inflationary trend is continuing. I hope that the fact that these votes have already sounded from so eminent a source will encourage other business leaders to make their point of view known without fear of possible sanctions.

Mr. Watson also observed that IBM offices throughout the world have been wracked by fires and bombings which he directly related to the strong feeling which exists in most countries of the world against our Indochina policies.

It is against the deplorable framework of the continuing U.S. involvement in Vietnam, that today's economic policies should be appraised. Symbolic of this, is the fact that the President's Economic Report which was transmitted to the Congress in February 1970 ran to 8½ pages—but only one paragraph mentioned Vietnam. The administration's economic "game plan" has gone awry and action is now required to get us through the difficult months ahead without a further severe weakening in the social fabric of a nation that would be caused by a deepening economic recession.

The following are possible areas susceptible to administration and congressional action toward the end of getting our economy moving in the context of reduced inflation:

AN "INCOMES POLICY"

The country is ripe for stronger action on the wage and price front. Businessmen, including presidents of two of the Nation's largest banks; labor; respected economists; and even several administration policymakers have proposed variants of voluntary and mandatory wage and price curbs. At least four different wage and price proposals are currently before the Congress.

Those who are urging action come from virtually all areas of the political spectrum. It is notable that the Republicans of the Joint Economic Committee, who themselves constitute a wide ideological spread, have jointly proposed a resolution, which, as ranking member, I have offered with them, which would enjoin the administration to publish the implications to the economy of important, specific wage and price decisions. That plan would attempt to mobilize and inform public opinion in the fight against inflation.

Indeed, the major controversy at the present time seems to be not whether to adopt a stronger wage and price policy, but which of the various alternatives offers the most promise.

Opposition to stronger wage and price policies appears to be based on the belief that any official assessment of wages and prices would amount to restoration of the guideposts which allegedly failed us in the sixties; also that a "successful" wage and price policy still would not reach the prices that really matter to the average citizen: for example, public transportation, restaurant meals, property taxes, etc. These points were carefully discussed in a letter recently sent to me by Dr. McCracken, Chairman of the Council of Economic Advisers.

Dr. McCracken's analysis deserves careful study, coming as it does from one of the President's closest economic advisers. I would like at this point to mention two aspects of the letter which most interests me.

First, Dr. McCracken mentions more than once that the guidepost approach backed by the sanction of public disapprobation probably did have some effect at first. He specifies that the effect may have been felt in a limited number of highly "visible" cases, such as steel, copper, aluminum, and automobiles. I, too, believe that stronger action with regard to wages and prices will have some effect at first; and I am unable to accept as a reason for doing nothing the fact that the guidepost approach was substantially weakened by the end of 3 or 4 years when it was used in the sixties. On the contrary, I believe that an income policy should be a temporary expedient, and a supplement to the monetary and fiscal policies which are also billed as temporary.

The resolution which I introduced in the Senate last week, with the support of the Joint Economic Committee Republicans, recognizes this fact by setting an expiration date of December 31, 1971, for the publication of information on wages and prices.

Second, the fact that our attempt at wage and price control in the sixties was directly effective in only a few highly visible industries leaves some important things unsaid. These cases where the guideposts were effective are in fact cases of strategically placed industries, with considerable amounts of market power. While the limits of any wage-price approach short of direct controls over every transaction are obvious, these limits should not be used as an excuse for inaction where action is clearly necessary. The excuse carries even less weight when experience shows that we can affect significantly the inflationary price behavior of strategically-placed industries over short periods of time.

I am aware that the President is actively examining developments in the business and economic communities, and in the Congress, and I look forward to his economic message for signs that he will heed the growing and genuine requests for further action against inflation. In my view, however, the issue faced by the President is not whether merely to exhort Americans to be patriotic in tempering wage and price actions; the issue is which of the specific proposals, or combinations of proposals, offers the best chance of reducing inflation in such a way that we can soon expect further easing of monetary and fiscal policy. In other words, the time is past for general appeals to the public; economists and public figures of widely differing persuasion have already passed this point. I believe also that the American people deserve no less than a firm and honest interest in individual price and wage decisions on the part of the Federal Government, so that we can finally rid ourselves of the legacy of the past administration's economic follies.

As consideration is given to the type of an "incomes policy" which should be adopted, it is important that productivity criteria be weighed. Productivity which is commonly defined as output per man-hour worked plays the key role in the price through its influence on labor costs. If an employee receives a 10-percent wage increase and continues to produce the same output per hour, each piece of this output will have been produced at a higher labor cost. The net effect is that the product will have to be merchandised at a higher price—thus contributing to the inflationary spiral—or the manufacturer will have to shave his profit margin to absorb the higher labor cost, thereby contributing to contraction and recession. Similarly, if a worker whose pay was increased 10 percent produced 10 percent more output, the inflationary effect of the pay increase will have been absorbed by the increase in productivity. Unfortunately there has been no increase in productivity lately to compensate for increased labor costs with the result that profit margins have been squeezed—and this is a key factor in today's business recession—at the same time that prices have been pushed higher. Lower business profits already have had their effect on investment decisions—that is, the decision to build our future competitive plant—and higher labor costs per unit of output have helped fuel the continuing inflation.

For example, the Wall Street Journal has reported:

> Output per man hour in the first quarter of this year stood at 134.5% of the 1957–59 average of 100. The latest level was not only slightly below the levels for the preceding and year-earlier levels, but considerably below the level reached as long ago as the final three months of 1968. The only previous period in which productivity declined over so long a span was in 1955–56, and then the decline was not as great.

Since wage-price guidelines are to be set in the context of declining productivity, considerable impetus is given to proposals such as those of former Treasury Under Secretary Roosa who are arguing for a 6-month wage-price freeze. If productivity is declining, any real wage increase gives a cost push to inflation as does, of course, any increase in prices. Since declining productivity does set one of the key parameters of the economy today, it must be given appropriate importance in the forthcoming Presidential decision as to the stronger

action that needs to be taken on the wage-price front.

Over the longer run, the productivity of our economy is directly related to the investments industry makes to continually modernize industry. It can be argued that the U.S. competitive position relative to Japan for example has deteriorated since Japan proportionately has invested far more capital to modernize its industrial plant. Capital investment in the industrial plant is directly related to productivity and to an industry's—and the Nation's—competitive position. If we are to remain competitive in the decade ahead and build the industrial plant capable of sustaining a full economy, American industry will need appropriate investment incentives that have been lacking since the investment tax credit was repealed.

REVISED DEPRECIATION SCHEDULES

The ill-advised Tax Reform Act of 1969 which turned out to be a tax reduction bill in most areas, eliminated the investment tax credit. At the time of its elimination I received a commitment from the U.S. Department of the Treasury to forward the study and recommendations of the revised depreciation schedules to me by June 30. The wording of the Treasury commitment was to make available "a study of the various alternative proposals for depreciation reform and the estimated revenue effects thereof."

American business is now facing an increasingly serious profit squeeze as well as a serious liquidity crises. Declining business profits have fueled the stock market decline and have contributed directly to the shortfall in Government revenues which has caused the Government to move into deficit.

The May issue of the Department of Commerce publication "Survey of Current Business" quantifies the extent of the profits squeeze. According to the "Survey" in the first quarter of this year:

Before-tax profits, as measured for national income purposes, fell to a seasonally adjusted annual rate of $79.25 billion, down $6 billion from the fourth quarter and nearly $11.5 billion below the peak reached in the summer of 1968.

The profit slide apparently is continuing in the second quarter.

Under these circumstances, the retention of the surcharge for corporations as has been proposed would help deepen the already existing business recession. On the other hand it would seem that revised depreciation schedules would help the profit margins of our corporations and correspondingly revenue flows to the Treasury could be favorably affected. Such increased revenue flows could more than compensate for the revenue loss that would accrue from the modernization of the depreciation schedules themselves. The key point is that the implementation of the revised depreciation schedules now could play an important role in getting this economy moving again. Regardless of the slight recovery of the stock market, business confidence remains weak and this is ample reason for phasing in revised depreciation schedules now. It would also not be wise to run an excessive full employment surplus when the economy is slumping and some economists are concerned that administration policy may be heading in that direction.

Reportedly, the revenue loss inherent in these revised depreciation schedules proposals could run from some $900 million to an upper range of some $21 billion.

It was estimated that the repeal of the investment tax credit would increase revenue flows to the U.S. Government by some $2.5 billion. However, since the investment plans of corporations have been revised downward substantially since Treasury initially made this estimate, the $2.5 billion figure is probably on the high side for the coming fiscal year.

Proposals that are receiving the most active consideration apparently are running in the range of a $3 to $5 billion revenue loss, and Treasury will supply these alternate proposals to me by the end of this month.

In my opinion, it would be a shortsighted view if the further unbalancing of the budget were the only criterion that will determine the implementation of these revised schedules. Then looking down the road and depending on business conditions, the tax on corporations could be periodically adjusted from the present 48-percent rate to compensate for the costs of such revised depreciation schedules as well as to help influence business investment decisions. Such an upward revision in corporate tax rates should not, however, be contemplated while the business recession continues.

UNEMPLOYMENT

Unemployment has now reached 5 percent of our labor force and more than 4 million Americans who are seeking jobs cannot find them. Since December of last year 1.3 million additional Americans joined the jobless rolls and the latest increase was almost entirely comprised of adult workers. Also increases in unemployment which have been concentrated in the durable goods sector are now spreading to the nondurable manufacturing sector.

In the month of May, white unemployment rose sharply and 4.6 percent of the total white labor force is now unemployed, which compares most unfavorably with the 4.2 percent April rate. The unemployment rate of married men—the backbone of our economy—is also up from 2.4 to 2.6 percent. Some 3.6 percent of the labor force is now covered by State unemployment insurance as compared with 3.1 percent in April. Among these dreary statistics which cover so much human displacement and suffering, the May jobless rate of our black citizens, fortunately, is down from the extremely high April level of 8.7 percent to 8 percent—still almost twice the national average.

In addition to the overall problem of growing unemployment, we face special problems in our cities this summer because of the unevenness of unemployment—for example, unemployment among black teenagers during the first quarter of this year was 32.7 percent; compared with 20.9 percent in the first quarter of last year.

The administration indicated its awareness of this special problem with its announcement last Saturday that it would submit budgetary request for $50 million in additional funds for the Neighborhood Youth Corps summer jobs program. However, even with a $50 million supplemental, there will be provided only 414,000 opportunities in this program—approximately one-fourth of the 1.7 million youths which the Department of Labor has indicated will be in the so-called target group for such programs this summer. The amount the administration has proposed also falls $50 million short of the $100 million the U.S. Conference of Mayors has stated could be put to effective use.

Accordingly, I shall continue my efforts to obtain a $100 million supplemental in line with the amendment I introduced with 15 of my colleagues on June 2. By acting to secure this larger appropriation now, constructive employment could be substituted for the destructive behavior which could result from the combination of a hot summer and idleness because of the lack of job opportunities.

Turning to the broader question of strengthening the Nation's unemployment programs at a time when unemployment has reached a critical point, we in the Senate's Labor and Public Welfare Committee are expediting the final markup of the administration's manpower bill. This bill would facilitate the use of manpower programs as an economic stabilizer by authorizing a 10-percent increase in the manpower appropriations when the national unemployment rate reaches 4.5 percent—seasonally adjusted—for 3 consecutive months.

After the Labor and Public Welfare Committee completes its consideration of this bill in the very near future, the rising unemployment rate makes it imperative that the Congress promptly consider this matter. As indicated, the trigger mechanism in the administration's proposed bill is 3 months of unemployment in excess of 4.5 percent. The release of next month's unemployment statistics will activate this trigger, which points up the urgency of prompt passage of the Manpower Training Act.

Because of the seriousness of the unemployment problem, I would like to see the administration's bill strengthened. Toward this end, on May 19 I introduced on behalf of myself, our distinguished Minority Leader (Mr. SCOTT) and Senators BROOKE, SCHWEIKER, and STEVENS, an amendment to this proposed new Manpower Training Act to provide a limited number of training and job opportunities in the public sector and to "trigger" additional funds for such training as well as public sector employment in the event that unemployment becomes especially severe. In my view an unemployment rate of more than 5 percent does constitute especially "severe unemployment."

The minority of the Joint Economic Committee placed the following recommendation on public sector jobs in their 1970 Economic Report and this recommendation was discussed by a full Republican caucus of the Senate as follows:

Among its contingency programs for rising unemployment, we believe the Federal Government should include measures to directly provide a limited number of public sector jobs. If unemployment becomes especially severe, the Federal Government should offer jobs in areas of high national priority for those displaced. We feel this would be an effective way to mitigate the hardships imposed by anti-inflationary stabilization policies. There should be a tight ceiling on the number of jobs so provided and the program should in no way guarantee long-term employment for a significant portion of the labor force during periods of high employment.

With the unemployment rate now over 5 percent, the time for academic discussions as to what does or does not constitute "acceptable" or "tolerable" unemployment is past, and the standards of the early 1960's are no longer good enough for the early 1970's. We must act now.

HOUSING AND THE ECONOMY

Housing has borne far more than its fair share of the burden of tight credit stemming from the current policy aimed at curbing inflation. Not only have interest rates increased the cost of money for housing to such a high rate as to price many consumers out of the market, but available funds also have dried up. There has been a flow of funds out of the savings banks, which have always been the prime sources of lending for the housing market. Today, in many cases, they do not have money to lend. This trend has abated somewhat in recent months, but the savings and loan and mutual savings banks are still not supplying nearly the capital needed for a healthy housing market.

Recently, the Senate passed S. 3685, the Emergency Home Finance Act of 1970 which seeks to channel more money into the housing market. Some $250 million was made available to the Federal Home Loan Bank Board to reduce the interest rates charged by Federal home loan banks to assist in the provision of housing for low- and middle-income families. The Federal National Mortgage Association was authorized to deal in conventional mortgages and a new Federal Home Loan Mortgage Corporation was created to provide another source of secondary financing for the housing market. The bill also authorized the Secretary of Housing and Urban Development to contract for and make assistance payments in the form of interest subsidies to benefit middle-income families. The subsidies would be paid to the Federal National Mortgage Corporation and those entities would then be able to pass on the benefits to the homeowner in the form of lower interest rates on mortgages. The House Banking Committee has eliminated the interest subsidy provision which is most undesirable, and I am hopeful that the Senate version will prevail. Even the Senate bill will not be enough to alleviate the serious housing shortage.

Many of the country's leading banks have agreed to make available an additional $2 billion in mortgage money, and it is an encouraging step—but it, too, is not enough.

The President has urged the large private pension funds to channel their funds into the housing market, and many have agreed to do so. That will be helpful—but it will still not be enough.

Interest rates may go down slightly, although that is not likely, but that does not offer much relief to most prospective homeowners and apartment dwellers since the rates are still enough to make the cost of a home or an apartment prohibitively high for many Americans who need housing very badly.

Part of the problem is that many people in the government just do not comprehend the staggering amounts of money and credit needed to supply adequate housing for all Americans—amounts in the tens of billions, much of it coming from the Federal Government. However, we can do no less since housing is the No. 1 need of most Americans, especially those who live in the despair and the slums of our core cities.

Only by making more money and credit available for the housing market at all levels will we make a meaningful impact on the severe housing shortage prevailing at this time.

ANTITRUST LAWS NEED REVISION

I also believe that it is time for us to reassess the impact of our antitrust laws and the manner in which they are being enforced. In this critical area Congress has simply abdicated its responsibility for setting basic antitrust policy to the courts and the Justice Department. These agencies, faced with great difficulties, in groping in the complex economic factors usually present in antitrust cases, have more and more come to rely on per se rules of illegality rather than the rule of reason.

What is needed is a fundamental reexamination by Congress of the role of antitrust in a modern economy. The basic principles applicable in 1890 to a basically laissez-faire economy, in which competition was expected to play the predominant regulatory role may well have a different application to a highly regulated, technologically sophisticated, and largely mutualized economy organized along different lines. Today, antitrust policy is only one of many forces that can be brought to bear to regulate and even structure our basic economic organizations. What was unreasonable in 1890 might well be necessary in 1970 to ensure adequate economic growth, protect the consumer, improve the U.S. competitive position, and provide for national security and do social justice.

One area in particular which cries out for such a reexamination is in foreign economic ventures by American-based concerns. We need to know whether our antitrust laws help or hinder our companies for competing with foreign companies not subject to the same restrictions.

I have for some years sponsored a bill to establish a national commission to study our antitrust laws. The report of such a commission would provide the basis upon which Congress could once again exercise its basic policy-making functions rather than continue to let this critically important area go by default to the Justice Department and the courts.

The foregoing explains my views on some of the major unfinished businesses of the administration. However, I believe that the Congress—which can be credited for a major role in prompting public debate on the wage-price issue—also has major unfinished business in correcting one of the sources of our present inflation: excessive Federal Government spending.

FEDERAL GOVERNMENT SPENDING CONTROLS

Federal Government spending control is probably one of the least successful concepts ever advanced by an economist or politician.

The record is strewn with the wrecks of proposals—and even legislation—which would place an absolute and effective limit on Government spending.

In the past 2 years, we have, through the Second Supplemental Appropriation Act spending ceiling provisions, attempted to control the rate of Government spending. I believe the attention which is now being paid to reducing Federal spending is taking a new and very optimistic turn, and I support the efforts of my colleagues of both parties—particularly Senators PROXMIRE and PERCY—for their fine and thorough initiatives in educating ourselves and the public on public spending programs.

Spending cuts, however, must take place in the context of plans for the proper level of overall spending. In this regard, while I believe the spending ceiling legislation now on the books to be a major step forward, I do not think it is the final or the best solution. Since it offers leeway for so-called uncontrollable spending, as well as for spending on new programs proposed by the Congress or the Executive, it is a ceiling merely on the rate of spending which has been estimated to take place in the annual budget document. As the experience of the present fiscal year has shown spending control which controls only this aspect of the budget does not control much at all. Uncontrollable spending for fiscal year 1970 is expected to increase $4.8 billion over the amounts planned in 1969, and while actions initiated by Congress outside the original estimation have increased spending for fiscal year 1970 by $3.4 billion.

To be sure, the pressure of the spending ceiling legislation also prompted budget cuts of $2.5 billion, and this illustrates where a good start has been made in controlling the Federal budget. Nevertheless, there is still no effective control on Congress to curb spending; there is no "appropriations ceiling" to supplement the spending ceiling.

I believe that at least three elements are involved in an effective "appropriations ceiling":

First, Congress needs to agree each year on the proper level of spending for that year.

Second, appropriations bills should carry a stipulation as to the amount which should be spent in each fiscal year.

Third, Congress should establish a mechanism whereby cost-cutting or revenue-raising bills will be given priority

in the event that the level of spending for the current fiscal year—as reflected in the appropriations acts—appears to be running substantially ahead of the agreed-upon estimates.

Excessive Federal spending has contributed heavily to the inflation which now affects all of us rich and poor. Congress bears as much responsibility as the Executive for devising and implementing solutions for this problem. Certainly one of the major unsolved problems in the area of Federal spending is how to control it, and here the Congress is one of the major culprits. If the time has come for the President to act decisively in dampening wage and price increases, the time has also surely come for Congress to place effective controls on its own spending process.

Finally, I would like to call attention to the high, urgent priority which must be given to guaranteeing, with the same effectiveness as we do bank deposits, accounts with security dealers of all kinds, brokers in exchanges, unlisted dealers, and many others. It could really shake our economy to its bottom if more of these brokers than already have been are liquidated, and 33 broker-dealers have been liquidated since July 1968, with the enormous danger of loss to their customers. There are serious possible consequences if we defer further taking necessary action on the Federal level to institute an insurance program which would protect stock market investors in the same way that commercial and savings bank depositors are protected.

The exchange dealers have proposed a plan, and there is a plan before Congress proposed by the Senator from Maine (Mr. MUSKIE). Each of these plans requires legislation, because they require the establishment of a guarantee fund by the Federal Government, ranging somewhere between $1 billion and $3 billion. Personally, I prefer the higher figure, in order to give the greatest amount of insurance.

We have never lost money on this kind of arrangement. The premiums have always made up for the losses that have been suffered, or are likely to be suffered. But I cannot stress too much to Congress, as a Senator from a State which has the major security and financial centers of the country—New York City—the critical importance of passing, promptly, within the next 30 to 60 days, legislation which will clothe accounts with brokerage and security firms with a guarantee as effective as the guarantee now in effect on bank deposits.

I urge the President to make that a fundamental and primary consideration in his presentation to the country.

In closing, let me say that the long run state of the economy appears somewhat more promising than the immediate short term that will take us through the summer and into the fall. It is now clear that the Federal Reserve under the distinguished guidance of Dr. Arthur Burns has wisely loosened the money supply. However, the effects of the monetary repression that was the policy of his immediate predecessor still must work its painful way through the economy. There are also press reports that the Defense budget will undergo further cuts and that these funds will be redeployed to other badly needed Federal programs that would be more constructive and less inflationary.

It is also highly encouraging that more and more business leaders are aware of the connection between Vietnam and the health of our economy and are speaking out. This is certain to have an effect on this administration and hopefully will move the administration toward adoption of a definite timetable for the withdrawal of all American troops from Vietnam. Such a policy most certainly would protect American lives and would put pressure on the South Vietnamese Government to negotiate, as well as buttressing business and consumer confidence. Such a withdrawal schedule is the only long-term medicine that would restore our economy and social fabric to health.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to previous order, the Senate will now proceed to the transaction of routine morning business, with a 3-minute limitation on speeches.

BABE RUTH SHRINE ESTABLISHED IN BALTIMORE

Mr. MATHIAS. Mr. President, I am most happy to join the distinguished Senator from New Jersey (Mr. CASE) in honoring Babe Ruth baseball and its namesake, Babe Ruth.

It is fitting that an organization dedicated to providing amateur baseball for youths aged 13 to 18 should be named after Babe Ruth.

The Babe loved children. In 1926, when a child named Johnny Sylvester lay seriously weakened after an operation, the Babe, in response to a plea from the boy's doctor, visited Johnny in the hospital. He chatted, gave the youngster an autographed baseball and, as he was leaving for the stadium, promised to hit a home run that afternoon and dedicate it to Johnny. Incredibly, he did.

It was in response to a public plea to reform and "make himself worthy of the dirty-faced kids in the streets" who worshipped him that the Babe terminated his raucous behavior on the field and off.

Even in death, the Babe remembered his young fans. In his will he stipulated that 10 percent of the residue of his estate should be given to the Babe Ruth Foundation which the Babe described as "dedicated to the interests of the kids of America."

Although he gained fame as a New York Yankee, the Babe was a native of Baltimore. He learned the fundamentals of the game at St. Mary's Industrial School under the Xaverian Brothers and played his first professional baseball game for Jack Dunn's Baltimore Orioles, of the International League.

The Babe is as much alive in the hearts of Baltimoreans today as he was when he was belting a record 714 home runs out of American League ballparks during his 22-year career. St. Mary's Industrial School, now renamed after another famous Baltimorean, Cardinal Gibbons, is located at one of the city's busiest intersections and is pointed to proudly as Babe Ruth's school. The square in front of Memorial Stadium, home of the American League Champion Baltimore Orioles, is named Babe Ruth Plaza and you can get into a heated argument anywhere in the city by claiming that some ballplayer was greater than the Babe. To do so, is just short of committing blasphemy in the Babe's sportsminded home town.

Currently, the people of Baltimore are in the process of making the rowhouse in which the Babe was born into a living memorial to him. With the cooperation of Mayor Thomas D'Alesandro, the city government, and many private citizens, the Mayor's Restoration Committee of the Babe Ruth Memorial has renovated the house and opened it to the public. Thus far, the committee, using private donations, has succeeded in gathering many mementos of the Babe's playing career.

Additional efforts are being made to obtain from the Hall of Fame at Cooperstown, N.Y., additional memorabilia of the Babe's playing days. In fact, the committee has purchased and renovated houses on either side of the Babe's birthplace so the museum can be expanded. I extend an invitation to all youths involved in Bath Ruth baseball and their families as well as baseball fans everywhere to visit this shrine to the greatest baseball player of them all.

LACK OF EMPLOYMENT OPPORTUNITIES IN ALASKA

Mr. STEVENS. Mr. President, I should like to speak about the lack of employment opportunities in my State. The discovery of oil in my State of Alaska has led many people to assume that the economy of our great land is booming and that high-paying jobs are available just for the asking. I wish to dispel that rumor in the strongest possible terms.

Unemployment in Alaska continues to be the highest of any of the 50 States, reaching a low of 9.1 percent in the peak summer periods. When the rural residents, who sustain 80 percent or more unemployment in the winter, are considered, the average annual unemployment in Alaska is approximately 25 percent, a rate rivaled only by the worst periods of the great depression.

But, in addition to dispelling this rumor, I wish to bring to the attention of my colleagues a truly unfortunate development. Recently, an advertisement in a western paper spoke of laborers in Alaska being paid $600 per week and truck drivers $1,000 per week. It stated that for $2 further information could be obtained. I directed my assistant to send in the fee, and he received a list of the oil companies now operating in my State with the accompanying information:

Oil field jobs on the Northern Slope furnish room and board to the men. Most North Slope work is 12 hours a day, 7 days a week—

over 40 hours time and a half, double time Sundays and holidays. Union scale for laborer is $6.25 per hour; union scale for truck drivers is $7.25 per hour; and union scale for plumbers is $9.80 per hour.

Then there was the following note:

NOTE: This information does not guarantee you a job, however there are many jobs available in Alaska. Also, this information has nothing to do with the State Employment Office in Anchorage.

The following comment was also included with the information:

Don't go to Alaska broke—The cost of living is higher than in most States. Housing is short, but can be obtained. Some furnished housing is available. Transportation to Alaska by auto from Seattle to Anchorage is 2,484 miles long and takes approximately 8 days. Pickup truck is recommended for towing travel trailers.

Mr. President, many unemployed persons looking for work are being tempted by such literature to try their luck in Alaska. They are pulling up stakes and spending what remaining money they have to move themselves and their families thousands of miles only to learn that there is little chance of finding work. Some also find themselves financially unable to move back to the lower 48 and ultimately become dependent on the State for support.

All this tragedy is occurring because some promoter hoped to get $2 out of the deal.

I have asked the authorities to look into this problem and have been assured that investigations are proceeding. But I also feel that my colleagues should be aware of this situation so that they may carry this warning to their constituents should they inquire about employment opportunities in Alaska before moving there.

Mr. President, the statements made in this advertisement are absolutely false, and I am hopeful that the political authorities and the Department of Justice will see that the perpetrator of this fraud upon unemployed workers throughout the country is duly prosecuted.

LOYALTY IN THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. DOLE. Mr. President, since President Nixon's announcement that Robert Finch would leave the Department of Health, Education, and Welfare to join his staff as counselor, and Elliot Richardson would replace Mr. Finch, much has been written about the difficult problem of administering that department. I noted with interest one particular editorial in Business Week magazine which, to an outsider, appears to have identified one of Mr. Finch's major problems: the loyalty—or should I say disloyalty—of his employees. Unfortunately, many HEW employees refuse to recognize that we now have a Republican President who has his own ideas of programs and priorities. But as Business Week indicates, "Many HEW employees seem to feel that they owe allegiance to their particular programs rather than to the Department, the administration or the Government itself." There are the employees who have been frequently quoted by the media as "sources at HEW" when embarrassing leaks occurred. These are the employees who demanded that the Secretary meet to explain his policies and the reason he supports President Nixon's policies. These are the same employees who according to the New York Times last Saturday, reported that they would continue to organize at HEW to promote peaceful protest and advocate a 1-day strike later in the month.

Mr. President, I do not intend to discourage freedom of expression. But in any organization whether it be HEW, General Motors, or a Senator's office, the employees must be loyal to their "boss." Otherwise, they should not remain, nor can they be permitted to remain. We must not allow a group of self-appointed interpreters of the public interest to ignore the mandate of the voters.

My only hope is that Elliot Richardson quickly assumes control of the Department and makes the hard decisions necessary to implement the President's policies.

Mr. President, I ask unanimous consent that the editorial entitled "Getting HEW on the Tracks," published in Business Week of June 13, 1970, be printed in the RECORD at this point.

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

GETTING HEW ON THE TRACKS

In Washington, the Health, Education & Welfare Dept. long has been known as a death trap for administrators. As the repository for some of the most sweeping programs launched during the Johnson Administration, HEW for years has been long on ideals, short on cash, and hopelessly tangled in red tape. A decade ago, it administered some 100 programs and a $16-billion spending budget. Today, the number of programs is up to 275, the spending figure approaches $60-billion, and the complexity of its problems almost defies rational analysis.

Obviously, retiring Secretary Robert Finch found the job acutely frustrating. And though he made a promising start toward rationalizing some of the HEW programs, it soon became clear that he could not lick the sprawling department into line and worry about his political future in California at the same time.

Now, with Finch moving over to join the White House staff, the task of straightening out HEW passes to Elliot Richardson, a veteran of the department in its early days under Eisenhower and a man who has earned respect as Under Secretary of State. Richardson, understandably, shows no great eagerness for the job, but having agreed to take it, he can be expected to tackle it with energy and insight.

He will need both in ample measure. HEW must not only grapple with such problems as campus turmoil, racial conflicts, and welfare reform; it also must deal with internal conflict and demoralization that has produced a near paralysis in some of its divisions.

Many HEW employees seem to feel that they owe allegiance to their particular programs rather than to the department, the Administration, or the government itself. This attitude generates a fierce defensiveness and makes resistance to any change a matter of high principle for the HEW staff.

Richardson's first job will be to whip the department into working shape, using a combination of tact and toughness. Then, he will have to push ahead with plans to rationalize HEW's various programs, centralizing those, such as welfare payments, that can be handled most efficiently through the federal apparatus, and decentralizing those, such as health services, where local requirements are paramount.

At the same time, the new Secretary should begin working with the President's Council on Executive Organization (the group headed by Roy Ash of Litton Industries) to determine whether or not HEW should be continued as a department in its present form. The Ash council's plan for White House organization—which becomes effective next month—enlarges the White House machinery for coordinating domestic programs. When that change is effective, HEW's elaborate administrative hierarchy may well prove superfluous. And in the long run, it is entirely possible that two or more Cabinet-level departments, working through the new White House Domestic Council, could handle HEW's programs more efficiently and with a good deal less hair-pulling.

In both long run and short run, Richardson will need the full support of President Nixon. More than any other individual, the HEW Secretary bears the burden of carrying out the President's campaign promise to master the administration of the social programs enacted in the 1960s. Unless the White House backs him, the HEW meat grinder can turn him, like some previous secretaries, into hamburger.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 6 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, the Senator is recognized for 6 minutes.

COMMUNIST MASSACRE IN SOUTH VIETNAM

Mr. DOLE. Mr. President, from the beginning, the "surrender in Vietnam now" movement, which characterizes some of the so-called antiwar groups which seek to undermine the President's efforts to obtain an honorable peace, have ignored the kind of enemy we are fighting.

They have ignored it, and in some cases sought to deny it, because to face up to the truth would mean they would have to confess that getting out of Vietnam is not the easy task they would like the American people to believe it is.

One of the perils of a precipitate withdrawal by American forces from South Vietnam would be to expose the South Vietnamese—especially those who have actively opposed communism—to the very real possibility of torture and death on a mammoth scale.

There have been efforts in recent months from several corners to minimize the possibility of this happening.

We are told in some cases there is no proof that it has happened or that it would happen. We have even been told that the slaughter at Hue in 1968 was merely the revenge of an army in retreat and did not reflect a part of North Vietnamese and Communist policy.

We have been told this even though there are Communist documents that make it clear that the massacre at Hue was deliberate and a part of the Communist policy.

In recent months, two studies have been done of Communist repression and terror tactics in South Vietnam.

One is called "The Vietcong Strategy of Terror" and is written by Douglas Pike, a former newspaperman who is a recognized authority on Vietnam.

Mr. Pike's monograph was prepared for the U.S. Information Agency and therefore is not available for distribution in the United States.

While Mr. Pike deals primarily with the Communist policies of terror, he also tells us that from captured documents and public pronouncements it is clear that they "are picking up the Vietnamization gauntlet thrown down by the Governments of Vietnam and the United States."

He says that the Communists have given themselves four tasks which are: First, to prove by demonstration that the Republic of Vietnam Armed Forces cannot successfully fight alone. Second, to prove that the Government of Vietnam in Saigon is a mere facade propped up by the Americans and will collapse when American disengagement reaches a certain point. Third, to destroy the various political, social, economic, and militia-type programs the GVN—Government of Vietnam—has underway in the country's 2,500 villages—collectively known as the Pacification program—thus destroying or minimizing any faith and trust villagers might have in the Saigon Government. Fourth, to increase American casualties so as to turn the disengagement into a rout.

Mr. President, if these are the Communist objectives, their feeling of frustration must have grown since Mr. Pike wrote those words early this year.

South Vietnamese forces are proving they can successfully fight alone. The Government of South Vietnam shows no signs of collapse. Pacification is succeeding.

And President Nixon's decision to clean out the North Vietnamese sanctuaries in Cambodia have dealt the enemy a major setback, such a setback in fact that there is little likelihood now of turning our disengagement into a rout.

As a matter of fact, Mr. President, this is where the North Vietnamese misjudge us completely.

There will be no American rout in Southeast Asia so long as Richard Nixon is President. I am convinced that all the forces of surrender in the United States will not be able to persuade or pressure this President into the precipitate withdrawal.

Mr. Pike makes it plain that the murders, massacres, and tortures practiced by the North Vietnamese and the Vietcong are not practices in passion but are a part of a "population control system resting in part on terror."

Mr. Pike also makes the point that there is a major difference in outrages perpetrated by our side and those perpetrated by the enemy:

> To the Communist terror has utility and is beneficial to his cause, while to the other side the identical act is self-defeating. This is . . . because . . . terror is integral in all the Communist tactics and programs and the Communists could not rid themselves of it if they wanted to.

Mr. President, what Mr. Pike calls terror is referred to as "repression" in a study by the Rand Corp., prepared for the advanced research projects agency. The study is called "Vietcong Repression and its Implications for the Future." It was prepared by Stephen T. Hosmer. Here is what he says about Communist repression in Vietnam:

> Organized and directed by the Viet Cong Security Service, repression is a vital part of the over-all Communist effort to achieve the "disintegration" of the government and to control and polarize the people of Vietnam through the systematic elimination, intimidation, and subversion of those supporting the defense against communism.

In other words, repression is indeed terror.

One of the points made by the apologists for the North Vietnamese is that the massacre at Hue was done in a fit of passion. The implication is that on this ground it ought to be excused and that it does not presage further killing of South Vietnamese. But the facts, unfortunately, do not bear this out.

Here is what Mr. Hosmer says about the 25-day interval when Communist forces controlled a large part of Hue:

> In the intervening 25 days, despite fierce allied counterattacks, Communist forces apparently had time and sufficient control to track down and eliminate hundreds of local government officials, administrative personnel, police, spies, political party members and other target groups. There can be little doubt that the repression of such persons was one of their foremost objectives; captured notes, taken during a party committee meeting in preparation for the Hue offensive, listed the puppet Administration as one of the primary targets of the attack. . . . Attacking main force units were assigned a major role in the capture and liquidation of tyrants.

Mr. President, where is the passion here? There is none. This is a deliberate strategy of terror and massacre. Those who write differently have either not bothered to study the facts or are deliberately lying.

It serves no real purpose to go further, because I believe the point is clear.

I am disturbed, however, that the New York Times, whose Columnist Tom Wicker doubted the President's warning of a bloodbath if Americans were to withdraw precipitately from South Vietnam, has not deigned to correct Mr. Wicker's distortions. The senior Senator from Colorado has accurately refuted Mr. Wicker's column, as does today's study by the Rand Corp.

Mr. President, I would like to call to the attention of the press and of my colleagues both "The Vietcong Strategy of Terror" and "Vietcong Repression and Its Implications for the Future." They may serve to set the record straight and they may explain, in part, why the President is not willing to allow the massacre of the South Vietnamese people.

QUALITATIVE ARMS LIMITATION

Mr. BROOKE. Mr. President, there has been a long and intense debate among professional students of arms control regarding the feasibility of "qualitative arms limitation." Some analysts and officials have argued that only quantitative arms restraint should be pursued since efforts to limit the characteristics or qualitative features of weapons systems are in their judgment not practicable. Some have contended that qualitative arms control would require governments to attempt reversing the irresistible momentum of science itself. They have alleged that one cannot prevent the attainment of knowledge, in the weapons field or in any other.

Over the years, however, a growing number of scientists and experts in arms control have come to see that there is a vital distinction between the acquisition of knowledge and the application of that knowledge to weaponry. They have perceived that there are extremely important opportunities for arms control to be effective in impeding application of scientific findings to specific military technology. This is the basis for a number of proposals over the years. The Nuclear Test Ban Treaty is an example. It serves not so much to diminish the progress of basic physics research as to preclude unlimited experimentation in search of more varied thermonuclear weapons.

Similarly, the proposal to suspend tests of multiple independently targetable reentry vehicles is grounded on the knowledge that perfecting such complex technology is subject to test controls. Within the broad spectrum of research and development, limitations of certain developmental activities promise to make important contributions to mutual security in the nuclear age. Attempts to curb destabilizing technological trends are fully compatible with the central tenets of science. They are in no way offensive to the thrust for knowledge. They are in principle a high exercise of human rationality to promote the security and well-being of mankind. If nations can agree to forgo dangerous technologies which threaten to complicate the problems of mutual security in the gravest manner, they will have passed a historic threshold on the way to an orderly world.

The concept of qualitative arms control could be shunted aside only at grave risk to the success of quantitative arms limitations. It is essential to understand that qualitative improvement in weapons could very easily undermine the stability of quantitative restrictions. MIRV technology is a preeminent example of this danger, for unless we practice restraint in future development of such systems, the qualitative evolution of strategic forces may produce vast increases in the quantitative effectiveness of any given force level.

This is especially true with respect to potential improvements in missile accuracy. Even very small warheads, if delivered precisely, can be more effective in destroying hardened missile silos and other strategic targets than relatively large warheads delivered with today's accuracies.

As Members of the Senate know, I believe it is of great importance for the United States and the Soviet Union to reach an understanding whereby they

will mutually refrain from deploying MIRV weapons. However, even if such systems are deployed, there remain years of work and countless tests before such weapons would pose a serious challenge to strategic stability. Development of a hard target MIRV capability will require extraordinary improvements in missile accuracy and/or increases in missile yield. Because of this, we face both a challenge and an opportunity. Limitations over developmental activities with regard to MIRV will remain a viable and desirable objective for the strategic arms limitations talks.

President Nixon's indication some weeks ago that the United States has abandoned certain preliminary work on more advanced MIRV systems of higher accuracy was a welcome indication of the United States' sensitivity to the implications of such work. The President's clear commitment to exercise restraint in technological programs which might appear to jeopardize the survivability of other nations' strategic forces is a rare and enlightened act of leadership which preserves a maximum chance for SALT to reach a meaningful arrangement regarding this matter.

Mr. President, a striking illustration of the strength of scientific sentiment on the feasibility and wisdom of qualitative arms control is a major petition signed by over 400 members of the faculty of the Massachusetts Institute of Technology. Speaking as individuals, these distinguished members of the scientific community have called upon the President and the Congress—

> To discontinue the development of high accuracy MIRVs and to give the highest priority to negotiating international agreements which should include a permanent ban on the development and deployment of these and other destabilizing weapons.

Thus, we have more than half the faculty of MIT, perhaps the Nation's foremost scientific and technological university, offering their personal judgments that restraint in MIRV development is practicable and essential. So far as I know, this petition is virtually unprecedented as a measure of scientific consensus in support of a ban on MIRV testing and deployment.

As the petition states—

> The security of the United States is not automatically increased by the construction of every weapon that is technically feasible . . . on the contrary, some weapons, by destabilizing the strategic balance, can diminish the security of all.

In this brief but sensible formulation these members of the MIT community have set forth a balanced and needed perspective, a necessary criterion for guiding the destiny of a planet populated by technologically advanced, but politically underdeveloped nations. It is greatly in the interests of the American people that we learn to be more selective in the applications of our technological skills, particularly in the realm of military systems.

I was pleased to receive a distinguished delegation from MIT last week. Profs. Francis Low, Lee Grodzins, Leo Sartori, Philip Morrison, and George W. Rathjens presented this important petition. I believe it will be of interest to the Senate and the public as a notable contribution to our national debate on strategic arms issues.

I ask unanimous consent that my statement of last Thursday and the text of the petition be printed in the RECORD.

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

SENATOR BROOKE RECEIVES MASSACHUSETTS INSTITUTE OF TECHNOLOGY PETITION ON MIRV

It is an important event when more than one-half of a great scientific community, speaking as individuals, express concern over the potential danger of a technological threat. We witness such an event today.

Through a petition presented by this distinguished delegation, the majority of the faculty of the Massachusetts Institute of Technology today seek to alert the government of the United States to the hazards inherent in perfecting highly accurate MIRV systems. Not only would such precise weapons be unnecessary for the retaliatory doctrine which the United States has adopted, but by posing a threat to the forces of the Soviet Union, such MIRV technology would actually weaken our security by undermining the strategic stability on which it rests.

Today's petition is a welcome reinforcement of the United States' decision not to pursue development of certain destabilizing MIRV systems.

As you know, many of us have campaigned for a mutual Soviet and American moratorium on MIRV testing and deployment. The Senate's overwhelming approval of S. Res. 211 endorsed this objective and the Strategic Arms Limitation Talks now under way in Vienna have this issue under consideration. The most constructive outcome would clearly be a firm agreement that neither the Soviet Union nor the United States would continue testing or deploying MIRV type systems.

Yet, if some kind of MIRV deployment in fact occurs, it will be vital to insure that it contributes to the mutual deterrence which President Nixon has explicitly defined as United States policy. The relatively inaccurate MIRV systems which have been tested to date are quite sufficient for retaliatory use. To perfect a truly precise weapon capable of attacking hardened missile silos would take some years and numerous tests.

It is in the interest of both the United States and the Soviet Union to avoid such provocation. Both nations should demonstrate by the character of their development and deployment programs that they are not seeking such dangerous systems. For that reason, whatever the specific results of SALT negotiations on MIRV and other systems, the views of this large body of informed, technical professionals today deserve the attention of Washington and Moscow.

PETITION

The undersigned members of the faculty of MIT affirm their belief that the survival of our nation and of the entire world are gravely threatened by the continued expansion of the strategic arms race; that the security of the United States is not automatically increased by the construction of every weapon that is technically feasible; that on the contrary some weapons, by destabilizing the strategic balance, can diminish the security of all.

We are troubled by the imminent deployment of expensive new strategic weapons, both offensive and defensive, which are not necessary to ensure our nation's deterrent capability. Particularly disturbing is the prospect of the development of multiple independently-targeted missile warheads of such high accuracy that they threaten the destruction of a potential adversary's missiles. Such a weapon would give the appearance of striving for a first-strike capability. It thus would be dangerously destabilizing.

We call upon the President and the Congress of the United States to discontinue the development of high-accuracy MIRVs and to give the highest priority to negotiating international agreements which should include a permanent ban on the development and deployment of these and other destabilizing weapons.

Mr. BROOKE. Mr. President, I hope I may be permitted to add a final comment to the significance of this petition. One of the perplexing facts of our time is what we might call the paradox of progress. As science and technology have modified the environment in the service of man, they have created new problems and new challenges of their own.

Largely because progress has brought its own perils, public confidence in the name of science and their works has waned. It has often been rejected by an overt hostility to the products of modern science and to a suspicion that the men of the laboratory are, in a familiar stereotype, Dr. Strangeloves. Like all stereotypes, this one is a disservice to the scientific community and to the public at large.

It is true that scientific progress poses grave questions to public policy. René Dubos, the distinguished biologist, captured the bittersweet quality of science's impact on society in a bit of doggerel some years ago:

> Science seeks out ingenious ways
> To kill strong men and keep alive the weak and ill;
> That these a sickly progeny may breed,
> Too poor to tax, too numerous to feed.

It is easy to be disheartened by such a gloomy prospect and to lose sight of the affirmative aspects of scientific progress. Yet a fair perspective must recognize that research and development themselves contain some of the most promising approaches to relieving the unwanted by-products of their own evolution. It would be very serious indeed if the festering ill will between some citizens and the research community should lead to a breach in the productive relationship which has long existed between American scientists and the society in which they dwell. We need to take note of the manner in which the diverse energies of American research are seeking channels for service. One should observe, for example, that much of the drive to cleanse our environment has come from an awakened scientific community. One needs to remember that important contributions to the impending population problems, particularly knowledge and techniques for family planning, are the product of concerned scientists. And all Americans need to remember that by far the most informed critiques of the arms race, together with far-reaching concepts for arms control, have originated in the scientific fraternity.

The expression of 436 members of the Massachusetts Institute of Technology faculty is but the latest in an endless series of efforts by American men of science to steer the technology they spawn in the most constructive direction. I believe it is especially timely that they have spoken now, not only because of the

unique phase in which the arms race finds itself, but because of the extraordinary tensions which have surrounded American universities and their relation to the public. Regaining our national composure and securing the blessings of a stable peace will require other such initiatives. I have every confidence that these and other scientists will work diligently to insure that modern technology promotes human welfare, succors human misery, and curbs human conflicts.

ADDITIONAL STATEMENTS OF SENATORS

NURSES IN COMBAT AREAS

Mrs. SMITH of Maine. Mr. President, for more years than we care to ponder we have noted the rising casualty figures of our servicemen in Vietnam. Today I wish to pay tribute to the nurses who also serve in the combat areas from the Demilitarized Zone to the Mekong Delta. The nurses of all the services are performing magnificently. Never in the history of warfare have the wounded received such professional care or been evacuated with such dispatch. The nursing services in Vietnamese hospitals have contributed greatly to the low percentage death rate among those injured in battle.

I ask Senators to join me in paying tribute to the many service women who are contributing significantly to our national security in the Armed Forces.

Mr. President, it is also a special and unique privilege for me to honor the achievements of two illustrious American women who have been recognized for their devotion to duty and outstanding service to the Nation. On June 11, Anna Mae Hays and Elizabeth Paschel Hoisington were both promoted to serve as brigadier generals in the U.S. Army.

General Hays, Chief of the Army Nurse Corps, and General Hoisington, Director of the Women's Army Corps, are the first women to attain the military rank of general officer in the history of this Nation. I am proud to pay special tribute to these women and to all women who serve under them.

I ask unanimous consent that brief records of accomplishment of the Army Nurse Corps and the Women's Army Corps be printed in the RECORD.

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

THE U.S. ARMY NURSE CORPS

The Army Nurse Corps, established in 1901, is the oldest military nurse corps in the United States and the first women's component of the U.S. Armed Forces. An all-officer Corps, its mission is to provide the best possible nursing care to the American soldier and his family.

The Army Nurse Corps had 403 members when the United States entered the war against Germany in 1917; however, within the subsequent 18 months, its strength increased to 21,480. Approximately 50 percent of this group served overseas. Several were honored by the United States of America and similarly by the foreign governments in countries where they served.

In 1939, when World War II began in Europe, the Corps strength totaled 625 officers. By early 1945, 57,000 nurses were on duty in 1,000 Army hospitals and medical installations across the face of the earth. In their round-the-clock vigil, nursing services were also provided during the evacuation of patients on planes, trains, and ships. They met these challenges with indomitable courage and calm efficiency—16 lost their lives as a result of enemy action and 66 were interned as prisoners of the Japanese following the fall of Corregidor. Approximately 1,400 were decorated for bravery under fire and meritorious service.

With indifference to hardship, 57 Army nurses became the first U.S. women to enter Korea immediately following the outbreak of the hostilities in July 1950. Over 5,400 Army nurses served their Nation during this period. They endured the rigors of conflict and earned the coveted title of "Front Line Soldiers" who battled a war against disease up and down and across that strife-torn peninsula. Hundreds were decorated for their exceptional performance of duty.

Again in the Republic of Vietnam, Army nurses answered the call to provide care to the combat soldier. Since 1962, over 5000 have given unparalleled nursing care to our forces in that country. These services have contributed to the fact that only 2.4 percent of the American wounded have died of battle injuries—the lowest percentage in military history. In addition, Army nurses have served as ambassadors of good will to the Vietnamese people. Many have been wounded and seven have died in the service of their country—one as the direct result of hostile fire. Hundreds have been decorated for bravery and distinguished service. Today, approximately 700 Army nurses serve in all types of US Army hospitals in Vietnam from the DMZ to the Delta.

Blessed with a proud heritage, almost 5,000 Army nurses, both men and women, are assigned to hospitals in the United States and twelve countries of the free world. They enjoy an enviable role as they give of themselves in service to their fellow men. The "Spirit of Nursing" monument, unveiled at Arlington National Cemetery in 1938, is a fitting tribute to military nurses who lost their lives for the cause of mankind and peace in the world.

WOMEN'S ARMY CORPS

In response to a bill introduced by the Honorable Edith Nourse Rogers of Massachusetts, a Women's Army Auxiliary Corps (WAAC) was established on 14 May 1942 to assist in alleviating the Army's manpower shortage of World War II. As an auxiliary, the Corps had no military status. In January 1943, Mrs. Rogers introduced bills in both houses of Congress to make the Corps a part of the Army and to change the name to Women's Army Corps (WAC). President Franklin Delano Roosevelt signed this bill into law on 1 January 1943.

Six months before military status was achieved, the first WAC contingent arrived at Allied Forces Headquarters in Algiers, North Africa. By the end of 1943, WAC personnel were serving on duty in England, India, Italy and Egypt. Thereafter the women went wherever they were needed in the United States, New Caledonia, Australia, Casablanca, Manila, Chungking, France, and Germany.

With the cessation of hostilities, it appeared that the Women's Army Corps might be discontinued. Then, in September 1946, the Chief of Staff requested legislation to make the Women's Army Corps a permanent part of the Army. On 12 June 1948, the President signed into law the Women's Armed Services Integration Act. WAC officers and enlisted personnel were permitted for the first time to be appointed or enlisted in the Regular Army.

With the beginning of the Korean conflict, women were again needed in greater numbers than in peacetime. American women again responded to the call for service and the Women's Army Corps doubled its peacetime size as women assumed duties in Japan and Okinawa in support of the Eighth U.S. Army.

The first WAC officer was assigned in Vietnam in 1962. At present, over 160 WAC officers, warrant officers, and enlisted women are filling administrative positions in Saigon and in Long Binh.

Prior to 1967, the highest rank which could be held by a female officer was that of Colonel or Captain. Then, on November 8, 1967, The President signed into law, PL 90–130 which removed grade restrictions previously placed on women officers of the Armed Services.

Today there are over 12,000 women serving in the Women's Army Corps. Approximately 10% are stationed in oversea areas.

HEALTH MANPOWER CRISIS—ADDRESS BY DR. GEORGE W. THORN

Mr. KENNEDY. Mr. President, one of the most serious aspects of the current health crisis in America is the increasing shortage of qualified health manpower available to meet the growing demand of our people for more adequate health services.

Recently, in his presidential address to the Association of American Physicians, Dr. George W. Thorn dealt with many of the most critical aspects of this problem. In his address, Dr. Thorn, who is professor of medicine at Harvard Medical School and physician in chief at Peter Bent Brigham Hospital in Boston, analyzes the health manpower problem in detail, and proposes a number of constructive and far-reaching solutions.

In particular, he proposes a plan for developing small medical schools in 50 or 60 medium-sized cities in the United States. Today, these cities do not have medical schools. By emphasizing teaching rather than research, it would be possible to minimize the construction and operating costs of such new schools.

In addition, as Dr. Thorn makes clear, it is likely that many of the medical students recruited from these communities would remain in medical practice in these areas, and would use the new medical centers as the focus of their practice.

Mr. President, I believe that Dr. Thorn's address will be of interest to all of us concerned with the quality of health care in America. I ask unanimous consent that it be printed in the RECORD.

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

82D MEETING ASSOCIATION OF AMERICAN PHYSICIANS—PRESIDENTIAL ADDRESS, MAY 5, 1970

(By George W. Thorn, M.D., Hersey Professor of the Theory and Practice of Physic, Samuel A. Levine Professor of Medicine, Harvard Medical School; Physician-In-Chief, Peter Bent Brigham Hospital, Boston, Mass.)

To serve as President of the Association of American Physicians is at once an honor of particular distinction and a responsibility of great moment. The membership of this Association is unique in the national representation and reputation which is enjoyed among part-time as well as full time teachers of internal medicine. It may be stated with certainty that this professional group more than any other influences the pattern of medical education and hence the form and quality of medical practice which this country will receive.

Although it is true that departments of internal medicine have always occupied a strategic position in undergraduate medical education, recent changes in medical curricula leading to a substantial reduction in the time allotted for instruction in the basic sciences have placed added responsibilities on these particular departments. Thus, in addition to teaching clinical medicine, they must now assume greater responsibility for critical areas of biochemistry, physiology and microbiology. At the other end of the spectrum, there is an acute need for departments to train physicians for leadership roles in the development of programs for improved delivery of medical care and to provide undergraduate as well as graduate medical experience in the new opportunities for medical practice.

If our nation is to enjoy a high level of medical care and if care of this quality is to become a reality for all, then a bold, far-reaching educational program must be initiated immediately. Such a program must, of necessity, include a great increase in the rate at which we train physicians, para-medical personnel as well as administrators and technologists who can apply sound business principles and advanced technology to the delivery of medical care. In addition, a high priority on substantial funds must be assured by federal, state and community agencies.

In the time permitted, I shall address myself only to the magnitude and peculiarities of the predicted shortage of physicians, realizing that a satisfactory resolution of the problems existing in the remaining categories is essential if a successful over-all national health program is to be developed for this country. Because I believe that these issues are so pressing and will require the full support of this Association in the days ahead, I have also invited representatives of two medical schools to present briefly their concept of some of the opportunities and problems which face departments of medicine as they become involved in regional or neighborhood health programs.

What is a reasonable estimate of the physician requirement for this country in the decade ahead?

It is predicted that the population of the United States in 1980 will exceed 242 million, an increase of over 36 million during this decade. It is also estimated that in 1980 the number of individuals over 65 years of age will total 23 million. Obviously, this latter group represents a population with a relatively high medical-care requirement.

In estimating the over-all physician need, one must also be concerned with the fact that substantial sectors of our population today are receiving woefully inadequate medical care and that a considerable increase in the number of physicians and health personnel will be required to meet even the minimum health needs of these large groups.

It is probable that advances in our understanding of disabilities caused by chronic degenerative diseases such as diabetes mellitus, heart disease and musculo-skeletal disorders will alert many individuals to the desirability of continued medical supervision. Since these particular disorders are so prevalent and of such prolonged duration, medical manpower needs will be further extended. In this same vein, the professional requirement needed to effect even the most modest impact on patients exhibiting psychological and emotional disorders is almost limitless, being defined in practical terms by the availability of physicians and the economic resources of the country.

The added physician hours which will be utilized in carrying out advances in cardiac surgery vascular reconstruction, prosthetic replacements and transplantations are impossible to estimate but that they will sequester a substantial section of highly trained medical manpower seems, inevitable. Whereas the treatment of infections should should require less physician time per patient, complications arising from antibiotic and pharmaco—therapy in general will undoubtedly increase. At present, drug reactions constitute a substantial proportion of patients requiring hospitalization. It is also predictable that the incidence of alcoholism and other forms of addiction will attain a high level during this decade, and the demands on the profession and on institutional facilities for these groups are particularly great.

I come now to a provocative consideration, namely, can one expect that the practicing physician whose work week at present probably averages at least 60 hours will continue to perform at this rate in the face of concomitant social changes—or should we be more realistic and estimate an average of 40 to 50 hours per week by the year 1980? Such a reduction, one must admit, is a distinct possibility. Group practices provide for 24-hour, 7-day coverage but appreciably reduce the total hours which each physician contributes. House staff members expect more time off, as we all know, and family vacations and extended holidays are becoming an integral part of the professional man's way of life. A reasonable reduction in hours per week—as projected for the future—could easily increase by 10–20 per cent the number of physicians required to carry the same patient load! Has this fact been seriously considered by those responsible for the financing of medical schools and the projected plans for medical education?

With medical science advancing at its present rapid rate, it is conservative also to predict that a majority of practicing physicians will find it necessary or perhaps be required to spend the equivalent of at least 4 weeks per year in postgraduate education—this could decrease available physician services by another 5–10 percent!

One must now comment on the fact that at this moment approximately one-third of the internship and resident positions in hospitals in the United States are being filled by non-nationals—many of these physicians derive from countries which can ill afford the loss of such highly trained professional personnel. Surely, one cannot count on this source of medical manpower to the same extent in the decade ahead.

Considering all of these points, one can estimate conservatively that a minimum of 20,000 medical graduates annually, as compared to our present level of less than 10,000, might be required by the year 1980 if we are to be capable of providing even the most modest of national health care systems. In addition, there will be needed a tremendous increase in the number of trained paramedical personnel and a substantial improvement in the efficiency with which our health services are administered.

RECRUITMENT OF MEDICAL STUDENTS

In contrast to many specialized fields of education, well qualified candidates for entrance to medical schools are abundant! Having experienced a decade in which the number of applicants had plateaued, the past two years have seen a substantial increase in the number of qualified applicants, and there is every evidence that this ground swell will continue as a consequence of an earlier great increase in college admissions. Despite the 3 to 4 years of undergraduate medical school training at relatively high cost and the subsequent anticipated period of two or more years of hospital experience, over 25,000 well qualified students applied for approximately 10,000 places in the entering class of 1970.

What are the possibilities for accepting more undergraduate medical students?

1. Increasing enrollment of present medical schools. Government funds are and have been provided to stimulate acceptance of more students. In many schools much of the potential increase has already taken place. At most, one might consider a 25–50 per cent further increase as an over-all limit or the acceptance of a total of approximately 2,500–5,000 more students per year in 1980 by schools now in existence.

2. New medical schools are being planned and built. By the year 1980, a maximum of 20 schools will have been completed with a potential enrollment of 1–2,000 additional students but only a small proportion of this number will have been graduated by the year 1980. However, a significant proportion of this increase could be offset were the foreign medical schools, which now train approximately 300 U.S. students per year, to limit their acceptance.

3. "Round the year" teaching could be extended to additional schools as a means of increasing the availability of opportunities within existing facilities.

4. Pressure on medical school basic science departments could be relieved in some instances by greater utilization of conveniently based university science departments.

All four of these suggestions imply primarily quantitative changes and while they would, if implemented, reduce appreciably the gap between "production" and "need", they would leave to a considerable extent the unresolved problem of eccentric distribution of physicians and the need for more regional medical facilities of high caliber. If these latter problems are also to be resolved, then members of our association, representing a very important group of leaders in academic medicine, must be willing to explore and support new programs which may, in many instances, challenge existing concepts. We must keep foremost in mind the fact that despite the effort which is being made in the directions I have indicated, there will remain at the end of this decade large segments of our population with inadequate medical care, regional programs without effective medical resources and a very heavy concentration of physicians in and around our university hospital centers.

How can the rate of medical graduates be substantially increased and financed; and concomitantly how can the distribution of well trained physicians and the regional deployment of medical manpower and health facilities be improved simultaneously?

It seems apparent that increasing the concentration of medical students in our large centers is not a very effective method for improving the distribution of physicians since graduates of these centers tend to remain in or around these institutions, and the "so-called" ripple effect has been shown to be minimal. Is it reasonable to believe that the development of small medical schools in moderate-sized cities would attract students from local areas who might then practice medicine in that or close-by communities? Could such small medical school-hospital complexes serve as the centers for regional medical programs, thereby upgrading the level of medical care for the area—and at the same time provide an important local facility for training paramedical personnel and for continuing postgraduate medical education? Would small medical school-hospital complexes of this type be feasible—in what numbers could they be developed—at what cost?

I will begin with the assumption that most cities with a population in the range of 150,000–200,000 will have at least one community hospital of reasonable size and good quality and that the community has or will have an educational institution of higher learning. In a table appended to this address, I have identified 50 or 60 such communities in which at present there is no medical school. The community hospital could remain as a primary carecenter within the medical school complex and could continue to serve as a lower cost type of hospital facility responsive to the needs of the community and its practicing physicians. New construction would include a small univer-

sity-type hospital for a full time staff and a small science building equipped for undergraduate medical teaching. On the basis of a medical class in the range of 50–60 students, it should be possible to standardize architectural plans for such units, thus effecting a significant reduction in construction cost.

A core curriculum for undergraduate instruction could be developed and with the aid of new technics in communication, one could reduce appreciably the over-all faculty requirement without sacrificing significantly the quality of medical education. Furthermore, the present reduction in Federal funds for medical research and training programs will make available at this time for faculty positions a relatively large pool of scientists and clinicians with excellent post-graduate training. These new community hospital-schools would offer a unique opportunity for basic scientists to accept responsibility for development and supervision of hospital clinical laboratories. This in turn could result in a signficant upgrading of the laboratory services available to the community as well as an improvement in the relevance of basic science teaching to medical student education. Such a supportive relationship between basic science departments and hospital might also provide an additional source of financial support for the basic science departments which, in all probability, will be faced with limited budgets in the decade ahead.

Community medical school-hospital centers would also provide facilities for continuing post-graduate medical education as well as serving the regional needs for training health personnel, and centers of this type would be ideal for the development of the "team approach" to community health. By recruiting medical students regionally and by providing a continuing and realistic experience in primary medical care within the undergraduate curriculum, one could reasonably anticipate that the number of physicians interested in practicing community medicine might be substantially increased.

The establishment of 40 or 50 such units within our country during this present decade would provide one type of experimental program which could return rich dividends, and of course this type of program should be supported by civic communities as well as by state and federal funds. To be successful however, such an enterprise would require the wholehearted understanding and support of academic medicine as well as that of organized medicine and those agencies which presently are concerned with the delivery of medical care.

What of the large university medical center?

At present, university teaching hospitals that have initiated regional or neighborhood programs have usually done so by developing moderate-sized ambulatory care units in geographical locations adjacent to or near the medical schoolteaching hospital complex. It is readily apparent, however, that though this effort is to be commended, a regional ambulatory center which, of necessity, refers "in-patients" directly to a university-type hospital is both economically and professionally unsound. There should be lower-cost hospitalization available to those patients whose illnesses do not require the expertise and the highly specialized facilities of the university teaching hospital. Thus, I would propose that one consider another departure—namely, that the medical school-university teaching hospital develop within its complex a modest-sized community-type hospital—to be organized under a separate Board of Governors, such Board to include representatives from the community at large as well as from the university and teaching hospital governing boards. In this instance the university-teaching hospital would be large and would include research facilities whereas the associated community-type hospital or primary care unit would be relatively smaller.

The community-type hospital unit might in some instances serve advantageously as the over-all ambulatory and emergency facility for the total complex, caring for those patients whose needs could be easily met and referring the more serious, complicated or difficult cases to the appropriate specialized area within the university hospital. The interface between the community-hospital unit with its over-all ambulatory and emergency facility and the university hospital might offer a unique location for departmental professional offices and specialized or referral-type clinics.

The inclusion of a primary-care hospital unit within the university hospital complex would not only provide an effective teaching base for undergraduate medical students and house staff but could bring the community as well as the practicing physicians into closer working relationships with the staff of the university hospital and its many educational opportunities.

Thus one could visualize that the large scientific center with its associated community-type hospital could exploit the knowledge and imagination of the entire university community in developing comprehensive health systems. The associated community-type hospital and its surrounding neighborhood health stations would provide excellent opportunities for teaching, training and experimentation. By contrast, the small medical school-community hospital unit would serve as the regional center for health programs and, by recruitment of medical students from near-by communities, might increase significantly the number of physicians who would discover that practice in smaller communities can be very rewarding professionally as well as being economically and socially advantageous for one's family.

In summary, I would urge that the combined intelligence of this distinguished association direct a significant proportion of its energy in the immediate future toward resolving the problems of medical manpower shortage, the need for improving the efficiency of our health system and the manner in which medical school-hospital complexes can best provide leadership in the search for improved patterns of medical care.

TABLE—POTENTIAL SITES OF NEW MEDICAL SCHOOLS

1. *Alabama:* Mobile and Montgomery.
2. *Arizona:* Phoenix.
3. *California:* Berkeley, Fresno, Glendale, Long Beach, Oakland, Pasadena, Sacramento, San Jose, Santa Anna, and Torrance.
4. *Connecticut:* Bridgeport and Waterbury.
5. *Delaware:* Wilmington.
6. *Florida:* Jacksonville and St. Petersburg.
7. *Georgia:* Columbus and Savannah.
8. *Illinois:* Peoria and Rockford.
9. *Indiana:* Evansville, Fort Wayne, Gary, Hammond, South Bend.
10. *Iowa:* Des Moines.
11. *Kansas:* Topeka and Wichita.
12. *Louisiana:* Baton Rouge and Shreveport.
13. *Massachusetts:* Springfield.
14. *Michigan:* Flint and Grand Rapids.
15. *Minnesota:* St. Paul.
16. *Missouri:* Kansas City.
17. *Nebraska:* Lincoln.
18. *New Jersey:* Paterson.
19. *New York:* Yonkers.
20. *North Carolina:* Charlotte.
21. *Ohio:* Akron, Dayton, and Youngstown.
22. *Oklahoma:* Tulsa.
23. *Pennsylvania:* Erie.
24. *Tennessee:* Knoxville.
25. *Texas:* Amarillo, Austin, Corpus Christi, El Paso, Fort Worth, and Lubbock.
26. *Virginia:* Norfolk.
27. *Washington:* Spokane and Tacoma.
28. *Alaska:* Anchorage.
29. *Idaho:* Boise.
30. *Maine:* Portland.
31. *Montana:* Billings.
32. *Nevada:* Reno.
33. *South Dakota:* Sioux Falls (Rapid City).
34. *Wyoming:* Cheyenne.

RISING INFLATION IN THE MIDST OF RECESSION

Mr. SYMINGTON. Mr. President, many people in my State are concerned about the report Sunday by the Labor Department that unemployment in our Nation has climbed by 1.3 million persons to a total of 4.1 million since the start of the year.

This raises our national jobless rate from 3.5 to 5 percent of the labor force; and in some localities we understand it is much higher.

Tomorrow the President will deliver his long-awaited report on the national economy. It is my earnest hope that he will announce a specific plan to reverse this downward slide and halt the rising unemployment that is creating tragedy for so many of our people.

This increasing rate of job loss, combined with the continuing upward spiral of inflation, brings a double hardship to the country.

Only yesterday, a member of the President's Council of Economic Advisers conceded that unemployment is running above the rate that the administration predicted last February.

Missouri has been hard hit by this rise in unemployment, with a 65-percent increase in the number of people who have been thrown out of work during the past year. Strikes have accounted for part of this rise, but the majority of layoffs are the direct result of a slowdown in our economy. And the specter of future layoffs now haunts many breadwinners now employed, along with the difficulty for young people to obtain jobs.

Missouri ranks second in the Nation in automobile assembly, therefore the drop in production of motor vehicles, along with that of other transportation equipment, is a significant cause of job loss in the State; as also is the heavy reduction in the production of airplanes, commercial planes as well as military planes.

It is time for all of us to take a clear look at the economic facts of life, and consider hard-headed measures designed to bring an end to our current unique economic predicament—rising inflation in the midst of recession.

POSTAL REFORM PROPOSALS AND THE UNION SHOP

Mr. PEARSON. Mr. President, both Houses of Congress will shortly be considering pending postal reform proposals, either H.R. 17070 or S. 3842. Speaking broadly, both bills will accomplish several needed reforms which I basically support. Both bills would: First, convert the Post Office Department into an independent establishment in the executive branch of the Government, freed from direct political pressures and endowed with the means of building a truly superior mail service; and second, increase the pay of postal

employees by 8 percent over and above the Government-wide increase of 6 percent, and shorten the time required to reach the top pay step for most postal jobs.

The U.S. Post Office Department is a vast establishment which employs over 750,000 people. It delivers over 80 billion pieces by mail annually, and it operates over 30,000 post offices throughout the United States, the territories, and possessions. But, despite the size and importance of this operation—essentially a business enterprise—those responsible for its management do not have the authority that the managers of any enterprise must have over prices, wages, location of facilities, transportation, and procurement activities and personnel policy. President Nixon recently said that the postal service "is failing the mail user in terms of service, failing the taxpayer in terms of cost, and failing the postal worker in terms of truly rewarding employment." The President continued, "It is time for a change"—and I heartily agree.

However, both bills contain sections which would bring postal workers under the provisions of the National Labor Relations Act. Thus the postal service would be subject to the jurisdiction and orders of the National Labor Relations Board as in the case of private employers.

The bills would continue to apply the present ban on strikes by Government employees. But they would not continue to apply the existing ban on union shop agreements. The present rule provides that each Government employee shall have the right not to join or assist a labor union. In other words, union shop is banned for any Government workers, and this has been emphasized by an Executive order signed by President Kennedy and backed up by President Johnson, and an additional Executive order signed by President Nixon as late as October 1969.

A typical union shop agreement requires employees, as a condition of employment, to become and remain members of the union during the life of the agreement by paying union dues and initiation fees. The ban on union shop agreements between Government agencies and labor unions is most recently stated in President Nixon's Executive Order 11491. It provides that no agreement by a Government agency "shall require an employee to become or to remain a member of a labor organization, or to pay money to the organization except pursuant to a voluntary, written authorization by a member for the payment of dues through payroll deductions." The order also provides:

> Each employee of the executive branch of the Federal Government has the right, freely and without fear of penalty or reprisal, to form, join, and assist a labor organization or to refrain from any such activity, and each employee shall be protected in the exercise of this right.

To change this time-honored procedure of allowing Government workers voluntarily to join a union, or to refrain from joining a union, is not in the best interests of the country as a whole, the Government service, and, specifically, the best interests of the postal workers themselves. It would be a drastic departure from the law applicable to Government agencies.

Never before in our history has an individual been faced with the requirement of having to join a labor organization if he wished to work for the Federal Government. In my opinion, once this practice of union shop is established in the postal service, the consequences of this policy throughout the Federal Government service ought to be apparent to all.

This has been no "undercover" agreement worked out by the Post Office Department and the AFL–CIO. Everything has taken place in the open for all to see, and George Meany has been extremely candid about what he feels the effect of the union shop in the postal service would have on Government-wide service. He said, in testimony recently before the House Post Office and Civil Service Committee:

> We in the AFL–CIO hope to be back before this committee in the very near future, urging adoption of a measure that will insure genuine collective bargaining for all aspects of employment for all civilian workers of the Federal Government. We think this bill is only a beginning.
>
> As we see it the Congress is today paving the way for a new day in Federal employer-employee relationship.

In a public statement issued following negotiations in which the AFL–CIO agreed to support the House bill, H.R. 17070, Mr. Meany said:

> We in the AFL–CIO quite candidly see these negotiations as setting the stage for the future. We believe that collective bargaining can be—and should be—extended to all workers in the Federal Government.

Mr. President, I am proud of the many letters I have received in the past 2 months from the postal workers of Kansas themselves. They all urge that they be given the much needed 8 percent pay increase; as long as their status under the civil service is protected, they all urge the institution of postal reform to make the postal service more responsive to the needs of the country. But all of them who have mentioned the union shop—and at least 95 percent of them have—are opposed to this aspect of the pending legislation.

The postal workers of Kansas wholeheartedly oppose the idea of putting collective bargaining and the union shop in any postal pay and reform legislation. They want to retain the present freedom they have to join, or not to join, a labor union. They want to retain the freedom they have always enjoyed in this respect, and I am greatly impressed by this desire because they are the ones most directly involved.

Mr. President, I intend to do all in my power as a U.S. Senator to honor this desire of these postal workers not to be brought under those sections of the National Labor Relations Act which call for collective bargaining and the union shop. I shall vote favorably on any amendments which will delete these sections from the pending postal reform legislation.

IF HUMPHREY HAD NOT BEEN DEFEATED

Mr. MUSKIE. Mr. President, there have been many post mortems on the 1968 presidential election.

None, however, have been more pointed or more succinct than an editorial written by one of the most able and thoughtful editors in New England, Ed DeCourcy, and published recently in the Argus Champion of Newport, N.H.

I ask unanimous consent that Ed DeCourcy's "The Spectator" column be printed in the RECORD.

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

[From the Argus Champion, Newport, N.H., May 21, 1970]

THE SPECTATOR: IF HUMPHREY HAD NOT BEEN DEFEATED

(By Edward DeCourcy)

Eighteen months have passed since our last Presidential election, and many of us have forgotten how close it was, and how it seemed on that election night, for a while at least, that Hubert Humphrey might even be our President.

If we can stretch our memories to recall that 1968 campaign, maybe we can realize how lucky we are that Humphrey was not elected.

Remember inflation? Why, if Humphrey had not been defeated, inflation would be worse today than it was in 1968, and everybody remembers how bad that was. Prices would be higher right across the board. Interest rates on mortgages would have skyrocketed to nine or 10 percent.

If Humphrey hadn't been defeated, the bottom would have dropped out of the stock market, and stock prices now would be at their lowest point in seven years.

If Humphrey had not been defeated, we'd have many more people out of work and unemployment would be getting worse, and all the time his Cabinet officers and advisers would be telling us this was only temporary and things would be rosy by the end of the year.

We really are fortunate that Humphrey wasn't elected.

If he hadn't been defeated, the unrest on the college campuses would be getting worse. Students would be rioting, and sometimes even burning buildings, and officials would have to be calling out the National Guard.

If Humphrey hadn't been defeated, some students might even be getting shot.

It's a good thing Humphrey wasn't elected. Remember all the talk about peace, but everybody knew all the time that he was a war monger and was married to the Johnson Vietnam policy. If he hadn't been defeated, we'd still have thousands of men fighting in Vietnam and the casualties would be as bad as ever.

If Humphrey hadn't been defeated, we'd be bombing North Vietnam again, and we'd be invading Cambodia, only we wouldn't call it invasion.

If Humphrey hadn't been defeated, crime would be increasing, and the efficiency of the postal service decreasing.

If Humphrey hadn't been defeated, there would be no respect for law and order. Post Office employees and teachers would be going on illegal strikes. Even airport traffic controllers would be striking.

If Humphrey hadn't been defeated, racial tension would be tearing us apart, and the whole cause of integration would be slowed down.

Why, if Humphrey hadn't been defeated, even the American Indians would be on the rampage, taking over places like Alcatraz

and threatening even up in Old Town. We would be stockpiling nerve gas, or threatening to ship it on railroad tracks right through cities.

If Hubert Humphrey hadn't been defeated, almost every river in the country would be polluted and the city dwellers, wherever they are, would be choking for a breath of fresh air.

If Humphrey hadn't been defeated, Newport would be having its federal aid to education cut, and the Small Watershed project on the Sugar River would be delayed and the Soil Conservation engineering staff would be cut back.

Its really a good thing Humphrey was defeated. Otherwise we'd all be shouting at each other, and nobody would be listening, and our voices wouldn't be lowered, and young people wouldn't be talking to government, and government wouldn't be talking to young people.

So you never can be sure on election night, just how lucky we are.

LONG-TERM EFFECTS OF CERTAIN DRUGS

Mr. McINTYRE. Mr. President, the Washington Post of June 8 contains a comprehensive article by Mr. Morton Mintz which discloses the results of a major study of tolbutamide, the leading oral antidiabetes drug sold by Upjohn under the trade name Orinase. Other antidiabetics were included, also. According to the study, long-term use of this drug, prescribed extensively for diabetic patients for over 10 years, has been found to increase sharply the chances of an early death.

The lengthy study which began in 1959 has raised serious questions not only about tolbutamide but also about the long-term effects of many other drugs used to treat other chronic diseases. According to Dr. Frederick Wolff, professor of medicine at George Washington School of Medicine, there has been little encouragement or sponsorship of studies "to ascertain the long-term effects" of such drugs, as well as the effects of medicines, such as tranquilizers and oral contraceptives, used widely by the public over long periods of time.

The lesson here is that there is an urgent need for more and carefully controlled studies of drugs and the effects of their sustained use on patients. The consequences of neglecting this research are far too grave and the implications for millions of persons currently taking various drugs on a long-term basis far too disturbing to delay such studies any longer.

I ask unanimous consent that the article by Mr. Mintz be printed in the RECORD.

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

[From the Washington Post, June 8, 1970]

DISCOVERY OF DIABETES DRUG'S PERILS STIRS DOUBTS OVER SHORT-TERM TESTS

(By Morton Mintz)

At 2:17 p.m. on May 20, Dow Jones News Service tickers informed thousands of investment brokers and newspapers that a major study of Orinase, the leading oral antidiabetes drug, is "likely to prove unfavorable to the Upjohn Co."

The brief dispatch—the first disclosure of a story with vast medical implications—went on to give a concise summary of the study results. These indicated that long-term use of the drug sharply increased the probability of premature death.

Twenty minutes later, Dow Jones transmitted a statement from the Upjohn firm, which obviously had been braced for a development of this sort. The same day, the company started a mass mailing to the medical profession of a "Dear Doctor" letter which discouraged physicians from precipitately halting use of Orinase.

The Orinase episode was but the latest in a long series in which the financial community got reports of literally vital medical research ahead of scientists, who need an opportunity to scrutinize and challenge the data, and doctors who then find themselves beset by troubled patients.

On the New York Stock Exchange, Upjohn closed at 36, down $1, on the day of the Dow Jones story. The following day the stock dropped—in a generally declining market—another $1.50.

Orinase, which had 54 percent of the oral antidiabetic market, is Upjohn's leading prescription product. Sales in 1969 were about $50 million. In addition, the company grossed about $7 million last year from Tolinase, a chemically related oral antidiabetes tablet.

By coincidence, the gross from tolinase alone was equal to the total cost of the decades-long government-sponsored study.

Aside from Upjohn, the study was also of obvious concern to an estimated 1.5 million persons in the United States, plus large numbers in other countries, who take Orinase or one of the other oral antidiabetes drugs, and to practicing physicians and medical scientists throughout the world.

But the study also had hidden implications for additional millions who take various drugs to treat other chronic diseases.

And, finally, the study raised major questions about the standards for, and sponsorship of, drug testing.

Diabetes is, by definition, high levels of sugar in the blood. But it is the complications of diabetes that are most dreaded. In diabetic adults, vascular diseases—heart attacks, strokes, kidney disorders, blindness—occur 2½ times as often as in adults with normal blood sugar levels.

Even though proof continues to be lacking, the prevailing medical reasoning has been that if blood sugar is controlled, the onset and progression of the complications of diabetes is also limited.

Until the early 1950s blood sugar could be controlled only by special diets or use of insulin, which "burns" sugar but must be injected.

Then, the West German firm of Farbwerke Hoechst, A.G., began to sell a chemical named tolbutamide that made it possible for a diabetic to control blood sugar merely by swallowing a couple of tablets a day. In June, 1957, Upjohn as a licensee of the German producer, began to sell tolbutamide under the trade name Orinase.

Planning for the federal study began two years later. Taking elaborate precautions against possible bias, scientific investigators from a dozen universities set out to determine if long-term use of insulin or a synthetic chemical would confirm or rebut the conventional wisdom:

That there is a cause-effect relation between high blood sugar and vascular diseases, and that high blood sugar is not—as a few suspect—a more or less incidental symptom of some underlying but elusive defect in bodily processes, such as an inability to metabolize fats properly.

The results stunned the investigators. An example was the distribution of the 61 deaths from vascular causes that occurred over the eight-year testing.

The 823 patients were randomly assigned to four patient groups, each of almost identical size.

The smallest number of deaths, 10, occurred among the patients on a placebo, or fake drug. Among the patients on an unvarying dose of insulin, 13 died. Another group of patients received insulin injections in doses varied to maintain "normal" blood sugar levels. Twelve of these patients died. But of the tolbutamide patients, 26 died.

The duration of the study, well beyond the standard periods for drug testing, was of critical importance.

The data showed that the impressive relative safety of tolbutamide continued for three years. But then in the fourth year of use, for reasons that are unknown, it started to drop sharply.

The average participant in the study was 53. He (or she) had been initially diagnosed to have had diabetes no more than a year before entering the study.

The prognosis for surviving at least five years had to be good.

During a preliminary one-month observation period, doctors watched the participant closely. They wanted to be sure that dangerous reactions would not occur on a diet that would achieve and maintain normal body weight without medication.

Next, the subject was assigned—at random—to one of the four patient groups. Then, and at three-month intervals thereafter, he was given a large battery of tests. Depending upon which group he entered, he remained on a placebo, insulin (in constant or varying dose) or tolbutamide for at least 4½ years. The average participation was seven years.

The National Institute of Arthritis and Metabolic Diseases financed the study with grants of $700,000 a year. Upjohn donated the necessary supplies of Orinase.

As the study progressed, the investigators reported their results to the institute, the company and the Food and Drug Administration.

In 1968, the trend toward higher mortality rates in the tolbutamide patients started to become evident.

Although the tolbutamide had been heavily prescribed for well over a decade, the unquestioned lowering of blood sugar remained controversial. And there was another significant and disturbing point: The university investigators were discovering that after two or three years of sustained use, the efficacy of tolbutamide in lowering blood sugar declines steadily.

Meanwhile, the NIH arm and the Upjohn Co. were supporting another important study in Detroit.

The oral antidiabetes drugs stimulate the pancreas to release insulin into the bloodstream, where it "burns" sugar.

But do the drugs increase the ability of the pancreas to manufacture insulin, as was almost universally assumed? Or do the chemicals deplete the pancreas' supply of insulin and perhaps eventually cause a loss in the gland's capacity to produce insulin?

At Detroit's Sinai Hospital, Dr. Piero P. Foa, chairman of the department of research, and Joseph Dunbar, an assistant, addressed themselves to these questions through animal experiments.

In February, 1969, Dr. Foa was ready to present his findings to an international diabetes congress in Umea, Sweden.

He had injected tolbutamide into the peritoneal cavity of hamsters. He also had mixed into the food given rats a chemical variant, glybueride, which Hoechst sells in Europe.

Then the hamsters and rats, along with untreated control animals, were killed. Their pancreatic glands were put in test tubes and studied.

Dr. Foa found that the pancreas of an animal that had received a drug—whether by injection or in the diet—produced *less* insulin than the pancreas of an animal that received no drugs. The larger the amount of drug administered, the lower the production of insulin.

Dr. Foa carefully pointed out that it was not known if the animal data could be extrapolated to humans. And, he noted, in animals in which use of the drugs was discontinued after a few weeks, the abnormalities disappeared.

Nonetheless, the results led Dr. Foa to question the wisdom of using the oral drugs to prevent or delay diabetes in persons predisposed to the disease.

Over the next several months, the university scientists conducting the long-term study of Orinase were finding mounting evidence of higher death rates among tolbutamide patients.

In the summer of 1969 they decided to take the approximately 200 tolbutamide patients off the drug. (In order to enter the study, the patients had had to be able to get along without medication anyway.)

But the situation created an obvious ethical dilemma: was it justifiable to stop use of tolbutamide in the test patients while keeping the medical profession and public in the dark?

In the end, the decision was made to present the study at the annual meeting of the American Diabetes Association in St. Louis on June 13–14. By this time, Dr. Miller said, it was calculated that practicing physicians would be able to get copies of the report and thus be able to deal knowledgeably with patients' questions.

In separate phone interviews, Dr. Max Miller, professor of medicine at Case Western Reserve University and the study's director, and Dr. G. Donald Whedon, director of the sponsoring national institute, said the decision to delay disclosure was correct for several reasons.

The data were still largely unprocessed. They had yet to be analyzed by independent medical statisticians. New data were still coming in. A report had to be drafted and circulated among the investigators at the universities. Their comments and criticisms had to be dealt with. All of these things take time.

Dr. Miller says the time was worth taking, and he has wide support in the scientific community.

The study was of potentially shattering impact to large numbers of patients and physicians. It had to be presented in the accepted scientific manner—at a meeting where recognized specialists could challenge and test it—lest, it was felt, its cedibility be needlessly imperiled.

But the plans for orderly presentation at the meeting evaporated on May 20 when the Dow Jones account came over the wires. It apparently was based on an abstract in the printed program of the Diabetes Association meeting.

With this development, the Washington Post published the next morning, May 21, a story of its own, based on a copy of the draft report. The newspaper had obtained the report with the understanding that it would not publish a story until the association meeting—unless someone else were to disclose the study results prematurely.

On May 22, the FDA, after a long, previously planned meeting of outside consultants on oral anti-diabetes drugs, announced that it had accepted the results of the university study.

The agency said it was requiring manufacturers to relabel the products to reflect the study and to sponsor new investigations into the "ultimate usefulness of oral antidiabetic agents."

Pending the outcome of the new investigations, the FDA said, it advised that none of the sulfonylurea products be prescribed for patients without visible symptoms of diabetes. In addition, the agency recommended, patients who can control their condition with diet alone, or who are dependent on insulin, should not take the drug.

"Diabetic patients currently taking tolbutamide or other chemically related sulfonylurea agents who are under adequate medical supervision should continue on their current regimen until advised by their physicians," the FDA said.

"In instances where these oral agents are deemed necessary by the physician, their dosage should be tailored to the individual patient's needs as recommended in the labeling."

The FDA had taken action, but that did not close the scientific argument. The university group's report is still on the program for next weekend's meeting in St. Louis.

Along with it, studies Upjohn regards as favorable to tolbutamide will be presented by Dr. Harry Keen of Britain and Dr. Juhana Passikivi of the Karolinska Institute in Sweden.

The company, in press releases and the "Dear Doctor" letter, has urged that, in the interim, judgments be withheld. The FDA, however, has said that "other recent studies"—a thinly veiled reference "do not alter the validity of the conclusions" of the university group's report.

Upjohn said that Dr. Keen, in a study in London's Guy's Hospital, "obeserved fewer cardiovascular events in patients treated with tolbutamide than in those without medication."

A problem with this arises in part from the phrase "fewer cardiovascular events." This combines, say, cramp with a heart attack, as if each had comparable importance. In contrast, the university group's study counts persons—those who died and those who lived (data on non-fatal events have not yet been released).

Only about one-fourth as many patients (248) were in the British studies. They were "borderline" diabetics with lower blood-sugar levels than those in the university group's study. Further, the methods of data analysis were fundamentally different.

Dr. Passikivi's patients in Sweden were very much different than the university group's—persons who had survived one heart attack, and who, as well, had impaired glucose tolerance but not overt diabetes.

In the first 18 months of treatment, Upjohn said, only half as many deaths occurred in the Swedish patients on tolbutamide as in patients on no medication. "Over longer periods of treatment, no difference in death rates was observed in the two groups," the company said.

Actually the Swedish results are not wholly inconsistent with the U.S. university group's. In the initial period of both studies, there was no suggestion that tolbutamide did harm. But the long-term equality in deaths between the treated and untreated groups in Sweden contains an implicit recognition that in the later years of the study tolbutamide patients died at higher rates.

The lengthy study of the antidiabetic drug also has implications for other chronic diseases, for the accepted standards of drug testing and for sponsorship of drug testing.

By the usual standards, tolbutamides was well tested.

As seen by Dr. Whedon, director of the national institute, a primary lesson of the study for other drugs is that "we've got to have more carefully controlled studies," which must last—as very few do—"more than three years."

Dr. Frederick Wolff, professor of medicine at George Washington University, said that "little work has up to date been encouraged or sponsored to ascertain the long-term effects" of a whole range of drugs used over long periods.

Dr. Wolff noted that medicines "have to be given indefinitely for high blood pressure, for edema, for certain joint conditions, and for mental disorders."

"In addition," he said, "wide selections of the public have gotten used to taking tranquilizers for nervousness, weight-reducing pills for incurable over-eating, various forms of contraceptive pills during the fertile life of the female, pain killers for the numerous aches and pains . . ."

But if the university group's study demonstrates the need for more long-term studies of medicine under impartial auspices, the federal government is not recognizing it. Instead, it is cutting funds for such research.

One inevitable result is to force research scientists to turn to where the money is—the drug companies.

INSUFFICIENT FUNDS ARE ROADBLOCK TO ADEQUATE CARE FOR VETERANS

Mr. YARBOROUGH. Mr. President, speedy evacuation by helicopter and improved delivery of health care in the field have enhanced the prospects of our men surviving an injury sustained on the battlefields of Indochina. Unfortunately, the quality of care which the Veterans' Administration hospitals are able to provide these survivors once they are returned to the United States is often a demoralizing, undeserved disgrace.

The House has recently passed an appropriation bill which increases the funds for the Veterans' Administration by $122 million for fiscal year 1971. This increment is insufficient, and can only be considered to be a halfway measure in the struggle to assure adequate health care for our veterans. The continual increases in the costs of providing medical care would consume a significant portion of these additional funds, resulting in continued shortages in personnel, and thus frustrating the ostensible purpose of the increased appropriation. An article in the June 7, 1970, edition of the New York Times points out that the staff-to-patient ratio in VA general hospitals is presently 1.55 to 1, whereas, the ratio in community hospitals is 2.7 to 1. In the specialized facilities devoted to the care and rehabilitation of the paralyzed veteran, the ratio is an even less satisfactory 1.1 to 1, compared to a 3-to-1 ratio in community rehabilitation centers. It seems particularly unfortunate that these severely disabled veterans who are unable to care for themselves are forced to exist under such hopeless conditions of neglect. It is our responsibility to see that the situation is alleviated.

The Senate Veterans' Affairs Subcommittee, under the distinguished chairmanship of the gentleman from California (Mr. CRANSTON) has studied conditions in VA hospitals over the past 6 months. This subcommittee has recommended that the appropriation for the Veterans' Administration for 1971 be increased by $189 million. Approximately $174 million of this additional money is to be earmarked for VA's medical programs. As chairman of the Labor and Public Welfare Committee, I fully support this request.

Mr. President, due to my deep concern for the problems existing in this area, I ask unanimous consent that the article entitled "More Money for VA," written by Howard A. Rusk, M.D., and published in the New York Times of June 7, 1970, be printed in the RECORD.

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

MORE MONEY FOR VA—7.5 PERCENT VOTED BY HOUSE FOR 1971 IS INSUFFICIENT FOR NEEDS OF HOSPITALS

(By Howard A. Rusk, M.D.)

To attempt to rectify the deteriorating and in some places tragic conditions in Veterans Administration hospitals, the House has just passed an appropriation for the V.A. for the fiscal year 1971 of about $122-million more than has been, or will be, appropriated for the fiscal year 1970.

This 7.5 per cent appropriation increase barely covers enormously inflated costs of providing medical care.

It certainly provides no substantial margin for making some very necessary improvements in the V.A. system. To do that would probably require at least another $130-million.

This would buy about 5,000 more medical care personnel for V.A. hospitals and clinics (probably about as many more as could be recruited and hired in one year) to make a significant improvement in the very low V.A. general hospitals staff-to-patient ratio. That ratio is about 1.55 to 1 as compared with 2.7 to 1 for the average community hospital.

EQUIPMENT BACKLOG

It would also enable the V.A. to wipe out an enormous $35-million vitally needed equipment backlog that has accumulated over the last several years. These additional funds would also prevent raiding medical care funds to meet obligations already made to residents and interns to work in V.A. hospitals as well as pay the trainees stipends comparable to those in community hospitals.

Also such an increase would permit bringing the staff ratio in the 10 intensive care spinal cord injury centers up to a level where they could provide good quality rehabilitation and other supportive services. These V.A. units are staffed at a disturbingly low ratio of between 1.1 and 1.2 for each paralyzed veteran.

This compares unfavorably with a number of top-flight civilian rehabilitation centers in which the ratio is 3 to 1. Such a ratio is absolutely necessary to provide really comprehensive services to these severely disabled patients.

The $130-million additional would also permit significant new training programs so badly needed by the allied health service personnel, nurse technicians, rehabilitation technicians and bio-medical instrumentation technicians.

UNUSED BEDS

This training would permit the conversion of 1,000 more unused or under utilized hospital beds to definitive care use. Lack of personnel is the roadblock.

It is also very important that the V.A. be provided with additional medical research funds to undertake developmental research directly applicable to patient care.

Lack of funds for such development has been a serious flaw in the V.A. research program. It was emphasized in the recent testimony of former Assistant Secretary for Health and Scientific Affairs, Philip Lee, before Senator Alan Cranston's subcommittee that substantial opportunities existed for the V.A. to carry on research and development activities in the field of health facilities and health services delivery.

In this research development budget, additional funds should be included for an attempt to find ways to provide special training for hospital staffs in the particularly specific psychological problems and sensitivities of severely disabled institutionalized patients.

Their need for the most sympathetic and compassionate care possible is obvious. "Tender loving care" is fundamental, especially in meeting their total needs.

MANDATORY PAY RAISE

The most critical problem right now is the fact that the V.A. will need in the next fiscal year approximately $60-million to pay medical care personnel the 6% mandatory pay raise recently voted into law.

No funds for this purpose have been requested by the Administration, and it is vital that the V.A. not be forced to absorb any of these salary increases within whatever funds are finally appropriated for medical care.

Otherwise, the major purpose of the increase—more staff—will be substantially reduced.

The debate in Congress will tell the tale in the next few weeks. There are certainly more compassionate economics that can be made rather than short-changing wounded veterans in the vital services necessary not only to save lives but to preserve their dignity and self-respect.

CRIME—THE CANCER AFFECTING ALL AMERICAN SOCIETY

Mr. MOSS. Mr. President, I can understand that all Americans want an instant solution to our frightening problem of crime—I do, too—but it is a problem of enormous complexity.

Crime is, first of all, a law enforcement problem involving our local police, our courts, and our custodial and correctional programs and institutions—the whole sweep of our machinery for apprehending, for bringing to trial, and for adjudging sentence and then for rehabilitating criminals.

The Federal Government can help States and localities enforce the law by making Federal funds available to improve the efficiency of law enforcement personnel through training, improved equipment, and advanced methods of detection. The Federal Government has begun to do this through the Law Enforcement Assistance Act. Under this act, Utah has received $1,796,000 to improve enforcement and correctional programs and to better train personnel. Our State can expect some $2 million more in fiscal 1971.

A part of this problem is the fact that our crime wave has simply engulfed the court system.

For one thing, we have not expanded our court facilities rapidly enough—we have too few judges, prosecutors, and penal institutions of the right kind to provide speedy justice and evenhanded rehabilitation.

Relying on arrangements that have served well for almost 200 years, we have failed to make the necessary adjustments to accommodate more people in a time of rapid change.

The bar is partly to blame for our deficiencies. For example, we permit trial continuances almost for the asking. Attempting to extend full justice to every American, perhaps some courts have lost sight of the difference between questions of guilt and innocence and those of procedure. Many appeals are taken on questions involving the conduct of police officials—questions often germane neither to the guilt or innocence of the accused nor the correct application of the law. If a suspect has committed a crime, he should not be aquitted simply because a complaint has some minor procedural flaw. The rights of every citizen must be protected; but the capability of society speedily to punish criminals must also be protected.

All of us—the bar, the law enforcement community, our civic leaders, and legislative bodies—must strive to redefine this issue for our time.

The frightening, crime-related problem of drug abuse, especially among our youth, must also be faced. Here, too, we walk on new ground, struggling to deal with the effect on individuals and on society of the burgeoning use of unfamiliar substances and with its concomitant and rapidly expanding social and law enforcement problems.

Striving to provide lawmakers and administrators with reliable information on which to base decisions concerning marijuana, I introduced a bill to establish a commission to study this dismaying problem. My bill was made a part of the drug abuse bill which the Senate passed recently.

Much more remains to be done. And the Federal Government must fulfill its role in the field of crime detection, adjudication and rehabilitation of offenders, but I stress again, that crime control is basically a local problem for cities, counties, and States. The fundamental criminal law is set forth in our 50 State codes. The sheriffs, constables, city police and State police must enforce the criminal law through our State courts and our penal detention and rehabilitation processes must function to reclaim offenders and protect society.

No issue today is more important.

THESE WHO SUFFER

Mr. KENNEDY. Mr. President, we forget at times that besides the number of soldiers and civilians who are killed and wounded in the Vietnam war, there are other sufferers—the refugees of that war.

The homes of thousands upon thousands of Vietnamese civilians, and now Cambodian civilians, have had their homes destroyed, their lives forever disrupted, and their lands turned into battlefields.

An essay by a former International Voluntary Services worker who served in Vietnam poignantly speaks of the sufferers of the war.

I ask unanimous consent that the article entitled "Personal Experiences in Vietnam—A Civilian Perspective," written by Chris Jenkins, from the Handbook on Vietnam, compiled by students at the University of California at Berkeley, be printed in the RECORD.

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

PERSONAL EXPERIENCES IN VIETNAM—A CIVILIAN PERSPECTIVE

I went to Vietnam in 1966 as a volunteer worker with International Voluntary Services, a Washington, D.C.-based private peacecorps sort of organization. I went to Vietnam to learn about the war there and to listen to what the Vietnamese had to say. I came back to this country in 1968 in sadness at having to leave a country and a people I had learned greatly from, in frustration over my inability to help the Vietnamese people, and in shame and anger over the death and destruction that I witnessed committed by my fellow countrymen against the people and the land of Vietnam.

I want to tell you about the Vietnamese—

not about the Vietnamese that you have heard from already, those in the government who speak through the press or those you may have met on your periodic visits to Vietnam, but about the peasants, the refugees, the students—those Vietnamese who suffer the most from the war but have no voice or no right to speak.

The first Vietnamese I knew were refugees in the coastal city of Tuy Hoa. There were two refugee camps there, Niuh Tiuh and Anltoa. The people living in them were women, children and old men. The young men, I was told, were in the army, some drafted into the NLF, others drafted into the Saigon army. The camps were built on the beaches as there was no other free land that was considered within the pacification perimeter by the government. The beaches were hot and families were crowded into long tin shacks without windows. The government had dug a well but the water was saline. Refugees were given five cents a day to buy food, but, they complained, these allowances stopped usually after just a few weeks in the camps. The spirit among the people in the camps was very low. They had lost everything they owned, everything that kept their life together and gave it meaning. They had lost the land, the means of their livelihood; they had lost their ancestral altars and ancestral graves, the focus of their religious and spiritual life. One might say they had lost their freedom.

Some found work as construction workers with American companies building the U.S. Air Force Base outside of Tuy Hoa. Some women found work as maids or laundry women in G.I. barracks. Others sold stolen PX items on the black market. Young girls sold their bodies to support their parents. Kids became shoe-shine boys or pick pockets. These degrading professions were all that was left to a family broken by the war and struggling to keep alive.

A brave few refused this humiliation and crept back to their burned village and shell-scarred rice paddies. In what was now a free-fire zone they harvested their rice and planted again, often daring to work only at night to avoid detection by the ever-present eye of planes overhead.

And, I was told, there were those who refused the pacification and aid of the Americans and Saigon government and chose to fight—with the NLF.

Those of you who have been to Vietnam have at least been to Saigon and seen the slums, the urchins in the streets, the squatter's tin shacks that stretch over vast areas on the city's outskirts. These people are refugees too. But they are not officially recognized by the Ministry of Refugees. They have fled the war zone of their own volition and receive even less official attention, therefore, than those refugees in government refugee camps. Without water or electricity and living in extremely crowded conditions, these refugees too, wait for the time when they can return to their ancestral homelands.

For over a year I worked in the central highlands near Dalat. This region is inhabited by the ethnically distinct mountain people or montaguards. The war has made refugees of these people as well. Once engaged in nomadic slash-and-burn agriculture, these people have been forced to move their villages near to towns and roads where they can be controlled and "protected" by the Saigon government. No longer nomadic, the Montagnards are faced with coping with the problems of reworking the same exhausted land year after year. They can no longer hunt freely in the forest for the meat that completes their diet.

I worked for a while in one of these relocated Montagnard villages. I worked with Vietnamese students to build a new health center. Before this village had existed even a year, it was burned to the ground by American napalm. The village had been visited by the enemy, I was told, when I asked the province officials why the village was destroyed. For the health center I helped build I would not mourn. But for the one-hundred six villagers who died I could only wonder at what cost the Vietnamese were to be forced to be free.

I taught English at the University of Dalat where I made my closest friends among the students. The students were mostly from wealthy Saigon families and enjoyed many privileges including student draft deferment. Perhaps because of this leisure and affluence, the students had time to reflect on their nation and what was happening to it. They were angry at the dominating role the Americans played. They were ashamed and frustrated at the ineffectivenes of the Saigon army and the corruption of the Saigon government. They would not join an army, they said, to fight and die for leaders like Thieu and Ky. They attempted to satisfy their social concern by going into the city and surrounding villages to build schools and roads and to dig wells. But they became discouraged when their efforts were destroyed by war or bureaucratic corruption.

Some students worked actively for a middle way between Saigon and the NLF. They demonstrated and published newspapers calling for support of the Buddhist Third Force. Many of these students ended up in jail where they were tortured or banished to the prison on Devil's Island.

With the possibility of war dissent thus withdrawn, with the position of peace or neutrality unacceptable to Saigon, the most determined students saw no choice but to join the NLF. The NLF was the only honorable and patriotic option. Many students expressed to me their secret desire to join the NLF. Minh, one of the Dalat student leaders, admired the program of the NLF and admired their courage. "But," he said to me, "I cannot bring myself to leaving my family and my girlfriend. And I do not know if I could be strong enough to live on just rice and salt and live in the jungle. The life of an NLF soldier is very hard."

Following the Tet offensive of 1968, many of these students were drafted into the Saigon army. But their hatred of Thieu and Ky and the Americans remain. Today, in the spring of 1970, the schools and universities of South Vietnam have been closed by the government as the students once again fled into the streets to protest government repression.

Typical of the feelings expressed to me by the Vietnamese was that expressed by an old schoolteacher whose family sheltered me during the Tet offensive in Hue. I lived together with his family for over three weeks under the artillery, bombs and napalm of the allied forces. We had many long occasions to talk about Vietnam and the war. He told me that if I returned to America I must thank the Americans for their concern over Vietnam. "Tell them," he said, "that we are grateful that they came to help us. We sincerely feel that Americans had good intentions here and wanted to help us in the problems of building our country. But now we know that the only way America can help us is by leaving our country. Let us work out our own problems. America has brought us no peace but the peace of the cemetery." Indeed, I felt, if only the President and the generals and the Ambassador and the American people could be with me here now, amid the smells of gunfire, smoke, and burned flesh, they could not continue this war one more day.

I managed to escape from Hue. Many others did not. I bring with me my experiences, and the words of my Vietnamese friends who, though unheard, voiced again and again their desire for the war to end, for their right to live, to live in peace. To them the choice is not one of ideology, it is one of survival.

Only America can stop this war. If only in the name of our own humanity let us listen to the Vietnamese people and understand their single desire to live in peace.

FREEDOM FOR THE BALTIC STATES

Mr. BROOKE. Mr. President, I note with sorrow that today marks the 13th anniversary of the Soviet invasion of the Baltic nations of Lithuania, Latvia, and Estonia.

The brave people of these troubled states have too often in world history been the innocent victims of the destructive battles of the more powerful nations of the world.

I pray that the day will not be far away when the people of these nations, and all other oppressed peoples of the world, will be able to enjoy the refreshing fruits of freedom and independence as expressed in House Concurrent Resolution 416, which was agreed to by Congress in 1966.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD as a further mark of the resolve of Congress and, indeed, all voices of liberty throughout the world, that the peoples of the Baltic States will once again be able to walk proudly in a country and with a government of their own choosing.

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

H. CON. RES. 416

Whereas the subjection of peoples to alien subjugation, domination, and exploitation constitutes a denial of fundamental human rights, is contrary to the Charter of the United Nations, and is an impediment to the promotion of world peace and cooperation; and

Whereas all peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, cultural, and religious development;

Whereas the Baltic peoples of Estonia, Latvia, and Lithuania have been forcibly deprived of these rights by the Government of the Soviet Union; and

Whereas the Government of the Soviet Union, through a program of deportations and resettlement of peoples, continues in its effort to change the ethnic character of the populations of the Baltic States; and

Whereas it has been the firm and consistent policy of the Government of the United States to support the aspirations of Baltic peoples for self-determination and national independence; and

Whereas there exist many historical, cultural, and family ties between the peoples of the Baltic States and the American people: Be it

Resolved by the House of Representatives (the Senate concurring), That the House of Representatives of the United States urge the President of the United States—

(a) to direct the attention of world opinion at the United Nations and at other appropriate international forums and by such means as he deems appropriate, to the denial of the rights of self-determination for the peoples of Estonia, Latvia, and Lithuania, and

(b) to bring the force of world opinion to bear on behalf of the restoration of these rights to the Baltic peoples.

SALUTE TO BABE RUTH BASEBALL

Mr. RIBICOFF. Mr. President, I am pleased to join this salute to Babe Ruth Baseball.

In this era of push-button complacency, the need for physical fitness of all Americans—not only our young people—has been widely discussed. The Federal Government, particularly since President Kennedy's administration, has begun to upgrade our efforts in this regard. But we are wise to honor organizations and activities such as Babe Ruth Baseball which were promoting physical fitness long before jogging and other such activities became fashionable fads. Last year alone, more than 18,000 boys 13 to 18 years old participated in Babe Ruth Baseball. Even more are expected to play this summer.

Besides developing physical skills, this program provides young men invaluable training in teamwork and cooperation. We need to support the values of sportsmanship and fair play under established rules if we are to combat the blind hate and irrationality that are beginning to appear across our country.

I salute Babe Ruth Baseball in its worthy activities and hope that it will involve even more youngsters in the years ahead.

170TH BIRTHDAY OF PORTSMOUTH, N.H., NAVAL SHIPYARD

Mr. McINTYRE. Mr. President, on June 12, the U.S. Naval Shipyard in Portsmouth, N.H., celebrated its 170th birthday. No one can question the long and distinguished history of this installation and of the men who have worked in it. This shipyard, with its magnificent record of achievement, is now being threatened with shutdown. The men who work there and the officers who manage it are well aware of this threat to its existence and their livelihood. What we must be aware of is the important role this yard has played in our history and of the important role it can continue to play.

I ask unanimous consent that two items from the Portsmouth Periscope of June 12, 1970, one a message from the shipyard commander and the other a history of the yard, be printed in the RECORD.

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

A MESSAGE FROM THE SHIPYARD COMMANDER

Today we celebrate our 170th Birthday as a United States Naval Shipyard. Throughout this long history, our Shipyard has built and supported a great variety of Navy ships and has, as the Shipyard motto indicates, been transformed from a shipyard skilled in sailmaking and servicing smooth bore cannon to one which has the capability today of constructing and servicfng some of our Navy's most complex ships—nuclear powered attack and Polaris or Poseidon missile firing submarines. A major milestone in the transformation occurred when Portsmouth became the first Government Shipyard to build submarines. This marked the beginning of an era in which the Shipyard earned a reputation for technical leadership in design and engineering and fine craftsmanship in producing submarines for the Fleet. The Shipyard has pioneered many significant design improvements which have contributed so much towards the U.S. Navy's underseas force; second to none in the world today.

But past glories never ensure future greatness, and we are now faced with the gravest challenge of all; the question of our continued existence. This challenge has been met before when Congress, in 1876, appointed a Board to consider the possibility of closing the Yard. This Board recommended that the Yard not be closed, and one of its main reasons was as follows: "There is a large population in and around Portsmouth, N. H. and Kittery, Maine, who have passed their lives in shipbuilding, and the naval mechanics in that vicinty are esteemed among the best in our country . . ."

Today, as then, the people working here are the Yard's greatest asset. The best of machines and equipment are of no avail unless willing hands and thoughtful heads are there to use them.

To meet the present challenge successfully, we must continue to demonstrate, as before, that we are leaders in submarine construction and engineering. So, with pride in the past and with confidence in the future, let's meet that challenge.

D. H. KERN,
Captain, U.S. Navy,
Commander of the Shipyard.

"FROM SAILS TO ATOMS" SYMBOLIZES PORTSMOUTH NAVAL SHIPYARD'S 170 YEARS OF SERVICE TO FLEET

Portsmouth Naval Shipyard, a leading designer and builder of submarines, is 170 years old today. The first of all naval shipyards, Portsmouth is one of the largest industries north of Boston and south of Montreal. From an investment of $5,500, the Shipyard, in 170 years of service to the Fleet, has expanded to a major submarine facility valued at $85,500,000—$1 million in land; $30,600,000 in plant equipment; and $53,900,000 in buildings and other facilities. The phrase From Sails to Atoms symbolizes the evolution of shipbuilding at the Portsmouth Naval Shipyard.

SHIPYARD'S HISTORY

With the formation of the Navy Department in 1798, plans were made for establishment of a Navy yard in the Portsmouth area. After a survey of possible sites by Chief Naval Constructor Humphries, a 58 acre island in the Piscataqua River, adjacent to the Kittery shore, was bought June 12, 1800, from William Dennett for the sum of $5,500.

The first vessel constructed at the Yard, the 74 gun ship-of-the-line Washington, was launched in July 1815. Six more vessels were built in the period up to 1848, when the first Portsmouth-built steamship, the sidewheeler *Saranac*, was launched.

Employment was down to 85 mechanics and laborers when the Civil War broke out in April 1861, but had climbed to a peak of 2,455 in May 1865. A total of 26 vessels were built in this period, including two iron-clads and 18 steam sloops. Among the latter was the *Kearsage*, which defeated the Confederate raider *Alabama* in a memorable battle.

The adjacent Seavey's Island, 105 acres, was purchased by the Government November 3, 1866 to allow room for needed expansion of the Navy Yard. The two islands were separated by a channel, part of which is now occupied by Dry Dock No. 2.

The War with Spain brought a brief boom in ship overhaul and repair work. At this time, funds were appropriated for the construction of new facilities and buildings including the Dispensary, Power Plant, Building 86, Dry Dock No. 2, Foundry, and the Naval Disciplinary Command. The Treaty of Portsmouth, which ended the War between Russia and Japan was signed September 5, 1905 in Building 86, the present Shipyard Administration Building.

When the German U-Boat campaign began to raise havoc with Allied shipping during the early part of World War I, the U.S. Navy became interested in building up a submarine force. All submarine construction was then being done by two private shipyards. The Navy Department, desiring to build some undersea craft in Government yards, selected the Portsmouth Naval Shipyard for the task of building the first one. Accordingly, the keel of the L–8 was laid November 2, 1914. The fore-runner of a long line of Portsmouth-built submarines was launched April 23, 1917 and completed May 25, 1918. The Portsmouth Yard thus became established as a submarine construction activity, and subsequently became the home yard for all submarines on the East Coast. The L–8 crossed the Atlantic in 1918 for duty in European waters, and at the end of the War returned to this country for further assignments, which were terminated in 1925.

The success of the L–8 led to a submarine building program during World War I, when eight additional ships were constructed, one O-boat and seven S-boats. These early S-boats were about 220 feet long with a 21 foot beam and displacement of 854 tons.

From 1924 to 1929, the Shipyard designed and built five large Fleet-type submarines of the V-class. These ships were 371 feet long, with a displacement of over 4000 tons, nearly four times that of the previous S-class submarines. The staunchness of these submarines is illustrated by their outstanding performance during World War II, when they had been in service for an average of 15 years. The V-types were heavily armed, with six torpedo tubes, one 6-inch deck gun and two 50 caliber machine guns.

From 1932 through 1941, the Shipyard prepared the designs for and built 22 submarines of a smaller, "cruiser-type." This series resulted in the following classes: *Cachalot, Pike, Perch, Salmon, Sargo,* and *Tambor.* These ships averaged about 300 feet in length, 25 feet in beam, and a displacement of 1460 tons. The *Snapper* is notable as being the first all-welded type, which gave the hull a much stronger construction, enabling the submarine to submerge much deeper and to better withstand depth bombing attacks.

The greatly expanded submarine building program, accelerated by our declaration of War in December 1941, resulted in the construction of 75 submarines from January 1942 through 1945. Submarines launched per year were as follows: 14 in 1942; 20 in 1943; 31 in 1944 (including four launchings in one day); and 10 in 1945.

Fleet submarines built during the War period were of the *Gato, Balao,* and *Corsair* classes, and averaged 310 feet long, 27 foot beam, and 1525 tons displacement. All had 10 torpedo tubes (6 bow and 4 stern), and most had one 3-inch gun, one 50 caliber machine gun, and two 40 millimeter anti-aircraft guns.

During World War II, our Fleet submarines were primarily long-range, high-speed surface ships capable of submerging. Because of the increased threat to surface operations by aircraft, submarine design since World War II has been increasingly slanted toward the role of the true submersible. Emphasis has been placed on increased submergence time and depth, higher underwater speed, more silent operation and better listening equipment.

"GUPPY" CONVERSIONS

Portsmouth pioneered in the design and conversion of about 20 Fleet submarines to *Guppy* types. The term *Guppy* was derived from the major aim of the program, that is, Greater Underwater Propulsion Power, the Y being added for euphony. Submerged performance of these ships was improved by completely streamlining their outer hulls and, in most cases, by increasing their battery capacities. In addition, they were provided with a snorkel system and with improved sonar, radar and radio equipment.

Under the *Guppy* Program, all deck fittings were removed, recessed, or streamlined, the

conning tower and periscope enclosed within the sail area, and general improvements made throughout the interior. The U.S.S. *Odax* (SS484), which was originally commissioned at Portsmouth Naval Shipyard July 11, 1945, was the first submarine to receive a *Guppy* I conversion, completed at Portsmouth in 1947. She was converted to a *Guppy* II type at the Shipyard in 1951.

This Shipyard also converted four Fleet submarines to radar picket types. The purpose of these conversions was to replace surface ships, insofar as possible, as main body screens to warn of attacking aircraft. Destroyer casualties during the Okinawan Campaign of World War II accented the vulnerability of surface ships for this use. The ability of the radar picket to warn the Fleet of the approach of enemy aircraft, and then submerge to protect itself, is a tremendous advantage.

Portsmouth was one of two design yards for the construction of the *Tang* (563) class of submarines. This class of submarines incorporated all of the lessons learned about submarine operations during World War II. In addition to streamlining, increased battery capacity and a snorkel system, these submarines were designed for increased operating depth. Particular emphasis was placed on providing these ships with improved sonar listening equipment. Numerous advances were made to achieve improvements in many of the various electrical equipments and systems. Main engines, hydraulic systems, air conditioning units, and air compressors were smaller and weighed less. Additional AC current electrical auxiliaries were provided to obtain lighter weight in less space. Torpedo ejection systems were improved so that torpedoes could be launched without the tell-tale bubbles. The prototype, *Tang* (SS563), was commissioned at Portsmouth October 25, 1951. The ship was 268 feet long, 27 foot beam, with a surface displacement of 2,042 tons. With these dimensions she is much shorter and fatter than the Fleet type submarines.

"ALBACORE" TEST VEHICLE

The results of hydrodynamic research carried out at the David Taylor Model Basin were incorporated by this Shipyard into the design of *Albacore* (AGSS–569) which was commissioned here December 5, 1953. *Albacore* has a length of only 203 feet but a beam of 27 feet and a surface displacement of 1,534 tons. This submarine is a test vehicle built to obtain maneuverability and maximum submerged speed for a given main propulsion plant. Special emphasis was placed on hull form and streamlining. Extensive tests and trial results have indicated that, even with her marked increase in speed, *Albacore* has more control stability than previous designs. This ship is undergoing a major conversion and overhaul, making her an advanced test vehicle for developing new submarine design concepts.

During 1956–57, the Shipyard completed the design and construction of two radar picket submarines, *Sailfish* (SSR572) and *Salmon* (SS573). The main features of the new design were to provide high surface speed and maximum capability of radar search equipment.

Keel of the *Growler* (SSG577) was laid February 15, 1955. She was to be a conventionally powered attack submarine of the *Darter* class, but in January 1956, it was decided to convert *Growler* to a vehicle capable of launching the Regulus missile. The extensive conversion was made as a part of construction, and *Growler* was completed December 15, 1958.

ATOMIC SUBMARINE "SWORDFISH"

Portsmouth was selected as the first Naval shipyard to build an atomic submarine. *Swordfish* (SSN579) was launched August 27, 1957 and completed September 11, 1958. Construction of a sister ship, *Seadragon* (SSN584), was completed December 1, 1959. *Seadragon* gained considerable fame by traversing the famed Northwest Passage, a feat which had been sought by mariners for generations.

Barbel (SS580) was completed on June 4, 1959. This ship was the first of its class, which were designed for quiet operation, increased underwater speed, and greatly improved habitability in order to minimize stress and tension of crew members. The hull of the SS580 is similar to *Albacore*, whale-like in shape with very few appendages. Aided by the technical advice of the David Taylor Model Basin, Portsmouth has been the pioneer yard in the application of minimum underwater resistance hull forms for submarines. As a result, SS580 is the Navy's fastest conventionally powered attack submarine.

Abraham Lincoln (SSBN602), completed July 8, 1961, was the first Polaris missile submarine to be built at this Shipyard. This ship added to the Fleet one of the most distinctive weapons ever built, making it, along with other Polaris submarines, a valuable deterrent to enemy attack. With a nuclear propulsion plant perfected in the SSN585 class, *Abraham Lincoln* can stay at sea for long periods and is able to fire quickly and accurately a highly destructive missile on land targets.

The many advances of the *Barbel* and a new nuclear power plant were combined to make the *Skipjack* (SSN585), which was designed and built by Electric Boat Division, General Dynamics Corp. The SSN594 class is a greatly improved development of the *Skipjack* (SSN585) class. *Tinosa* (SSN606) combines advanced sonar, deeper depth, newer weapons, and emphasis on the elimination of noise as operating features. These improvements make *Tinosa* among the finest attack and killer submarines in the World. The Shipyard also built another ship of this class, the *Jack* (SSN605), which joined the Fleet in 1967.

Although *Jack* is similar to the SSN594 class in hull form and forward compartments, she has a unique propulsion plant which utilizes two contra-rotating propellers. This increases propulsive efficiency and improves controllability.

John Adams (SSBN620) *and Nathanael Greene* (SSBN636), Polaris submarines of the *Lafayette* class, were also built at Portsmouth.

The Portsmouth-built nuclear attack submarine *Grayling* (SSN646) was placed in commission October 11, 1969 at the Shipyard. *Sand Lance* (SSN660) was launched November 11, 1969 from the Shipbuildingways and is currently being outfitted at the Shipyard. *Grayling* and *Sand Lance* are *Sturgeon* class submarines, the newest of the nuclear powered attack submarines.

"DOLPHIN" DEEP DIVING, RESEARCH SUBMARINE

One of Portsmouth Naval Shipyard's latest accomplishments is the design and construction of the deep diving, research submarine *Dolphin* (AGSS555), which was placed in commission August 17, 1968. The submarine was built to develop and test advanced engineering design features and to conduct weapons, acoustic and oceanographic research. *Dolphin* is diesel driven and smaller than *Albacore*. Greater diving depth will be *Dolphin's* most notable feature.

The Shipyard has additional projects, including development of a method of protecting sea water valve internals from corrosion, investigation into the low cycle fatigue life of high strength hull structures, improved structural analysis techniques, development of deep submergence cable hull penetrators, development of procedures to braze shipboard pipe joints automatically and improved techniques for reducing the noise levels of operating submarines.

NATIONAL HEALTH INSURANCE IS NOT ENOUGH

Mr. KENNEDY. Mr. President, the Nation for June 8 contains a perceptive article by Dr. George A. Silver on the relationship between national health insurance and the need for improving the organization and delivery of health care in the United States. Dr. Silver, who is currently an executive associate of the Urban Coalition and a professor of public health at Yale Medical School, makes clear his strong belief that a national health insurance program cannot simply be an insurance program. It must also, he urges, contain adequate incentives to improve the organization and delivery systems. Otherwise, he declares, national health insurance will merely be a guarantee of higher income for physicians, hospitals, and insurance companies, not a guarantee of health services for our people.

Mr. President, I share Dr. Silver's concern that national health insurance must be used as a lever to improve health services in the Nation. I believe that his article will be of interest to all of us concerned with the quality of health care in America. I ask unanimous consent that it be printed in the RECORD.

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

INSURANCE IS NOT ENOUGH

(By George A. Silver, M.D.)

In the foreign service, a diplomat is defined as one who hastens to the aid of the victor. National health insurance will be a political issue in some of the 1970 Congressional campaigns, and will eventually become the subject of Congressional action. Already, a number of diplomats are running to its assistance—at least seven national health insurance bills are in the process of being introduced into the Congress.

National health insurance has a long history in Europe, and the evidence of its success there should be an overwhelming argument for its adoption in the United States. Just at the time of America's entry into World War I it was supported by a powerful committee of the American Medical Association, headed by President Wilson's personal physician, Dr. Alexander Lambert. That committee considered voluntary health insurance un-American, since it would not be equally available to all citizens. The postwar reaction against anything "Socialist," and the capture of the American Medical Association by conservatives and its transformation into a physicians' protective association, deprived national health insurance of AMA support. However, the American Association for Labor Legislation persisted in its belief and, had it not been for backroom maneuvering by influential physicians with access to President Franklin Roosevelt, the Social Security Act of 1935 might have contained such a title. Since then, the battle for national health insurance has been continued mainly by Senators Wagner and Murray and Representative Dingle, beginning with their celebrated Wagner-Murray-Dingle bill of 1939, which has been reintroduced in somewhat modified form into each Congress ever since (the most recent bill was offered by Representative Dingle's son). In 1965, a partial victory was won, after ten years of struggle, with the passage of the Medicare Act, which provides national health insurance for older people.

During the present Congress, and in addition to the Dingle bill, Rep. Martha W. Griffiths (D., Mich.) has introduced a modifica-

tion strongly supported by the AFL–CIO. Senator Javits has introduced another modification, the details of which are largely the work of former Secretary Wilbur Cohen, who participated in writing the Social Security Act of 1935. Walter Reuther established a Committee of 100 for National Health Insurance more than a year ago and worked strenuously with expert committees under the leadership of I. S. Falk, who was also involved in drawing up the original Social Security Act.

All these bills have a common focus; the financing is to take place through the Social Security System. A separate health insurance trust fund will be created and it will pay for the services obtained by eligible patients. No doubt the bills will all provide for merging the insurance program for the poor Medicaid—into the more inclusive program. Medicare may or may not be merged. The American Medical Association, frantically attempting to retain control of the expenditures to be made on behalf of physicians, has introduced legislation whereby tax credits would facilitate the purchase of voluntary health insurance. This would benefit those who are employed and can buy such insurance, while the federal government presumably would buy such voluntary health insurance for the poor, instead of providing a payment mechanism through the states, as in the present Medicaid setup. This proposal, if it could be put across, would be a staggering bonanza for doctors, providing an open-ended budget through the insurance premiums.

Each health insurance bill will have its own mix of Social Security tax and general tax revenues, eligibility requirements, scope of services and mechanism of reimbursement—and so there will be fierce political debate. What will not be debated, if the focus is on insurance, is whether social policy is best served by offering legislative aid to *paying* for services or by legislating the guaranteed *provision* of services.

B th trade-union-sponsored proposals—the Griffiths bill sponsored by the AFL–CIO and the Reuther bill yet to be introduced—contain language intended to stimulate a better distribution and organization of health services. Unfortunately, the wording is not sufficiently strong and direct to *insure* better distribution and more resources. Furthermore, unless there is a deeply felt public demand for basic changes in organization and direction, the really radical transformations in health services will be compromised out when these bills reach committee. As with Medicare legislation, the vested interests will lobby and logroll to make whatever legislative action emerges concentrate on financing. The widest possible discussion is necessary to educate the American people into the need for a law that *guarantees services*.

The American medical care system is administratively, financially and morally bankrupt. It is the last stronghold of laissez-faire social policy. The bulk of physicians are in solo fee-for-service practice. Most hospitals, "voluntary" and "nonprofit," are unrelated to the ambulatory care system and the long-term care system; they are competitive and uncontrolled in their management and development. The majority of the long-term care institutions are in proprietary hands; they observe few standards and are also uncontrolled and unrelated to the rest of the medical care system. Millions of Americans are unable to obtain medical care because of poor distribution or inadequate resources; other millions get inferior, disorganized, episodic services with no emphasis on prevention or continuity. Very few if any Americans receive the medical care that this century is technologically able to provide. Costs are escalating at the rate of 12 to 15 per cent a year and the proportion of gross national income now going into health services is greater here than in any other nation in the world. The situation is dangerous to the health of the people and thoroughly unsatisfactory from any point of view.

The poor, of course, suffer the consequences of disorganization and other deficiencies in an exaggerated form. And since minority groups—blacks, Chicanos and Indians—are more likely to be poor, the health statistics of the minorities are significantly worse than those of the white majority—not to mention that in this still racist society every institutional form discriminates, so that what inadequate health services exist are less available, less well distributed and less humanely applied. Those who live in isolated rural pockets, such as the Appalachian whites, are also distant from 20th-century medicine. Drug companies are in private hands, lifesaving drugs are fantastically expensive, and many useless and even dangerous drugs are promoted for profit. The systems that have been provided to pay for health services for the poor reach only a fraction of those eligible for them.

Lack of resources and the uneven distribution of what resources exist will make nonsense of any legislative effort that addresses itself solely to the question of paying for services. The fact that payment can be had is of no interest to those who cannot find the services. And the vast majority of Americans will have no assurance that the care which is paid for is the care they need, or that it will be supported by the ambulatory services, the hospital services, the long-term services and the home services that are required for the restoration of their good health.

Paying from public funds for services received will not turn out more doctors or nurses or dentists or put them where they are needed. It won't increase the efficiency of hospitals or clinics or make them more responsive or gentle with the poor and black. A whole series of added steps will be required, many of which must go against the grain of present attitudes, professional interests and academic forms.

The cruelty lies in the fact that those who carry on the debate speak constantly as though what they were discussing was a national health *service*, and that is what the American people will think they have obtained when a national health *insurance* bill is passed. Ahead of them will lie the bitter discovery that those insured under a national health insurance act will be physicians and hospitals, not patients; that the guarantee will be of payment to the provider, not of service to the patient; that the entire legislative effort is geared and directed toward increasing the income of already affluent practitioners.

Those at present engaged in the development of the various health insurance bills are aware of this problem, but the line of argument they pursue is that organizational change, change in education and in distribution of health services and resources can be attained only after uniform financing has been accomplished by the passage of a national health insurance bill. Until the federal government takes responsibility for paying the medical bills, collects all the money in one spot, and then uses this gigantic financial leverage to enforce change, change will not take place. This is a perfectly reasonable argument except that experience teaches otherwise. The proponents of Medicare used the same logic, but since 1965 no change has been made in the system to improve the availability of services for those old people who cannot now obtain them (although it must be admitted that a real financial load has been taken off those old people who do get medical attention). It is quite possible that the introduction of a national health insurance bill will do no more to reform the system than has the Medicare Bill—in which case, we can look forward to no improvement or increase in availability of services but only to a shift in the source of payment for providers. Improved financing and organization must be introduced simultaneously and proceed in parallel.

For this reason, those interested in improving health services for the American people, as well as removing the economic barrier to health care, must develop a constituency that will support national health insurance while at the same time insisting that the law contain a series of mandatory requirements that will transform the system into an instrument to serve all the people. To this end, a number of additional elements will have to be introduced along with the insurance.

Organization. Given the great scarcity of physicians in the present system, the inefficiency of solo practice must be overcome. There are strong professional arguments against solo practice: complexity of modern medical knowledge and specialized care require team relationships; colleague supervision and consultation will guarantee better care. But even if this were not the case, the increased efficiency of group practice in manpower and equipment would dictate that doctors so organize.

Any insurance law should provide that doctors will be reimbursed *only* when practicing as groups. This will not work any hardship on rural or isolated areas, as is so often postulated. The association of doctors in isolated areas with larger community groups and better administrative and travel arrangements, will make it easier, not harder, to supply services.

Hospitals will have to become community resources with commitments to the groups of doctors practicing in those geographic areas. The arguments that go on interminably as to whether the hospital or the doctors should control the administration, budget, etc., are red herrings. The community should control the lot of them and community boards should receive the budget and allocate the funds. The wasteful mismanagement, duplication and inefficiency of present hospital relations, in which they compete instead of cooperating, has to stop. Patients must not be sent from one end of the city to another because a given hospital doesn't take that kind of case, or the patient can't pay, or the doctor has no privileges there. Hospitals are a community resource and should be so used. Any insurance law must provide for assigning a hospital budget to a geographic area controlled by a community board.

Contractual arrangements for paying physicians must be made between community organization and groups of doctors. The site and location of physician services should be determined by the community and not left to the entrepreneurial motives of the doctors. The same applies to hospitals. The ambulatory, hospital and the long-term-care institutional systems should be made one.

A section of the law should provide that where local communities are unable to obtain health services, because of either lack of resources or the unwillingness of the provider to contract with the community, the federal government shall provide the services; funds from the health insurance trust must be made available to the federal government to carry out these objectives.

Financing. The elimination of fee-for-service will be the major contribution that a health insurance bill can make toward the regularization of the system. Block financing of all care will take away the incentive to cost-plus charging and encourage all the elements to be as efficient as possible.

Manpower. The critical lack of manpower is not caused entirely by an overall shortage. Rural areas have been losing their doctors and other professional people rapidly over the last few decades as people have been moving into the cities. *The New York Times* told recently of an Iowa community

that had built a modern hospital with its own funds (against the advice and without the financial assistance of the hospital authority of the state) but then was unable to get doctors to staff it.

The ghettos have been losing doctors and professional personnel at an even greater rate as they flee the inner city for the white suburbs. A recent editorial in the *New England Journal of Medicine* reads:

Boston has one of the highest concentrations of physicians in the world. Despite the abundance of physician manpower, residents of Metropolitan Boston, and especially residents of its lower income areas, face an increasingly critical shortage of primary-care physicians. Between 1940 and 1961, the supply of general practitioners in Boston and Brookline fell 50%, from 132.3 per 100,000 population to 67.0 per 100,000. During the same 21-year period, the number of internists, pediatricians, and obstetricians in Boston and Brookline with office addresses outside hospitals increased from 34.6 to 50.2 per 100,000 population, thereby replacing only 25% of the lost primary care manpower. The fact that New York City has experienced a similar decline in physicians during the seven-year period from 1959 to 1966 suggests that the disappearance rate of primary-care physicians accelerated during the past decade. Although general practitioners have tended to locate their offices with little regard to the socio-economic status of the neighborhood, specialists set up shop almost exclusively in comfortable surroundings. For example, the census tracts in Boston and Brookline that in 1960 contained the 40% of the population in the most favorable circumstances, house the offices of 51.5 of the general practitioners and 90.2 of the internists, pediatricians and obstetricians who were located in the community.

A number of steps must be taken to improve the manpower situation immediately. The medical school faculties now devote only part of their time to teaching. By funding medical education directly, instead of indirectly through service or research channels, larger numbers of faculty members can concentrate on teaching, which means that larger numbers of students can be accepted. Strong support of efforts by colleges not associated with universities, particularly the predominantly Negro colleges, to improve their science teaching could increase the number of minority students admitted to the enlarged medical student body that is visualized. Every student, on completion of training, should be expected to devote a number of years to community service.

Enough has been written in the past twenty years to demonstrate that the present allocation of duties in the medical hierarchy is dictated by economic self-interest and not by rational professional procedure. Too many doctors are doing things that people with twelve years of training should not do, and not enough people are being prepared with a few months or a few years of training to do those things doctors need not do. There is no established task mechanism or salary scale or career ladder to encourage a sensible distribution of the work.

The law should provide for reimbursement scales that allow intermediate workers—physician assistants, dental assistants, office aides, community health workers and the like—to be included in the system. Naturally the law cannot specify details, but its language must foster sensible and efficient manpower training and use.

In considering radical change from the traditional ways in which doctors are organized or educated or paid or moved to decide on their location of practice, the country must weigh the limitations of freedom for these practitioners against social needs. We are in an emergency situation in which millions of people do not obtain adequate, or any, medical care. Have we a right to make demands on the medical profession that will compel them to meet society's medical needs? Is entrepreneurial practice so sweet and fee-for-service so dear as to be purchased at the price of sickness and death for the poor and the black (to paraphrase an early American radical)?

How can we guarantee the quality of service for which the insurance will pay? How can we distribute the existing services so that all Americans will have access to them? Can we order doctors to practice in areas where they are needed? Can medical schools be ordered to change their curricula and admission policies to turn out the massive numbers needed? Can we get a national domestic health service corps to fill in the gaps? Will doctors accept the social responsibility for arranging to practice in the most productive rather than the most convenient way?

How the money is collected, how the administrative channels are set up, whether the private insurance companies or the nonprofit agencies like Blue Cross are involved and whether there will be representative boards of consumers and the like, are all very important and must be written into the law. But the heart of the law is the guarantee of service. Unless that is provided for, only income will be guaranteed—for physicians and hospitals.

Those who now fear a tidal wave of demand that will inundate any new system set up by law to guarantee medical services for all Americans, may be reassured by previous history. Who would have thought most hospitals could be brought into compliance with civil rights and safety standards in such a short time after passage of the Medicare Bill? If the day appointed for operation is set two years off, and the professions and officials set to work with a will, large numbers of trained personnel can be created and distributed, additional facilities built and staffed, and the administrative mechanism set in motion. Alternatively, phased participation can be mandated, perhaps by age groups. After all, the old people are already in a financing "system"; what is required is an organizational approach to assure them of appropriate care. Children and pregnant women could be phased in before the rest of the population, and a system of centers for maternal and child health care could be set up relatively easily.

The problem is not knowledge or techniques to accomplish this goal. The problem is will.

PERFORMANCE OF UTAH SYMPHONY ORCHESTRA AND UNIVERSITY OF UTAH CIVIC CHORALE

Mr. MOSS. Mr. President, the Saturday Review of March 28, 1970, contains an article entitled "Berlioz From the Tabernacle." This is critic's report on the performance of the Utah Symphony Orchestra and the University of Utah Civic Chorale.

It is always somewhat of a surprise to people from the populace areas, especially those living on the east coast, to find that a superb symphony orchestra under the direction of Maurice Abravanel exists in Salt Lake City, Utah, and that a chorale such as that of the University of Utah performs as well in that city.

Because it is of interest to Senators and others who read the RECORD, 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:

BERLIOZ FROM THE TABERNACLE

Name brands and expensive labels do not always carry the day. On occasion, through sheer force of commitment and sincerity, a less glamorously packaged product comes out ahead. And that is what has happened with Berlioz's formidably difficult *Grande Messe des Morts* in its latest recorded version. Vanguard has released the work simultaneously on discs (stereo VCS 10070/1) and on a tape requiring four playback channels (geared, of course, to the famous "Tuba Mirum" and its four brass bands resounding in combination with one another and the mighty center orchestra). The performing group is the Utah Symphony Orchestra, directed by Maurice Abravanel, together with tenor Charles Bressler, and the University of Utah Civil Chorale and A Capella Choir, all gathered into the Mormon Tabernacle.

More prestigious forces have labored in the same field: Charles Munch and the Boston Symphony, Eugene Ormandy and the Philadelphia Orchestra, Hermann Scherchen with recruits from the Paris Opéra and Radiodiffusion Française. The first two recordings are superb orchestrally, but suffer from choral singing below the standards set by the instruments. The third loses out through eccentric, churlish conducting, which leaves us with the finest performance of all—pressed over twenty-five years ago—by the Emil Passani Choir, an unspecified orchestra, and the Paris Opéra tenor Georges Jouatte, under the direction of Jean Fournet. The substance of that first recorded Requiem remains incomparable; but the sound, on 78s, is outdated. And so we must turn to the Philadelphia or Boston versions, both of excellent quality, but unequal in their choral-orchestral relationships. Happily, since the Utah Symphony is less of a virtuoso ensemble than the other two, no such imbalance results from fusing it with a student chorus, rather than a first-rate professional one. The combined groups are well-knit and homogeneous. And while the orchestral sound does not approach that of Boston or Philadelphia in richness, there are compensations in the perceptive conducting of Maurice Abravanel, the fervor of the choristers, the clean and effective playing by the Utah musicians.

What Abravenal has conveyed above all is the sense of directness and simplicity essential to the work's best effect. The word simplicity may be questioned in view of the number of performers needed to launch the Requiem, but I believe it is accurate, for even the "Tuba Mirum" boasts complexity of means rather than of thought. In any event, the auxiliary brasses are heard in only three of the ten sections making up the score. Elsewhere the instrumentation, though on a large scale, is amazingly unadorned; the ideas emerge broadly and in full profile. For those listeners who think of Berlioz as master composer rather than orchestral wizard, it is the expressivity of the Requiem that counts: the memorable rise of strings and voices on the *"Luceat"* of the opening pages, the sublime tenor melody of the "Sanctus," the affecting theme that ends the "Rex Tremendae" to the words *"fons pietatis"* and then, still more compassionately, returns as *"quia pius es"* before the Amen. These are pages that bring to the Requiem an emotional urge stronger than that engendered by the sounding of trumpets in the "Dies Irae." This, the quieter element, is true Berlioz country; and Abravanel is a knowing guide.

Technically, the performing forces are adequate and, in the case of the Utah Symphony, something more than that. Drawbacks: The strings lack presence on this new recording; *pizzicati*, especially, are poorly articulated. Yet I suspect that part of this lack might arise from the sonics of production rather than insufficient playing. Emphasis in this recording would seem to have lain on brasses

and winds—an approach that, at many moments, bears remarkable fruit. Thus, no other recording of the Requiem offers so ideal a balance in the celebrated chords for three flutes and eight trombones. The clarity here is breath-taking. And the precision of the massed entrances in the "Tuba Mirum," brasses piling one on another from every point of the compass, may be described as thrilling, particularly on Vanguard's four-channel "surround stereo" tape. Yet two reservations—one esthetic, the other mechanical—lead to some restraint on this last point. The Requiem, for all its basic expressivity, requires sight as well as sound in the more flamboyant sections. The four bands, representing the summons to the Judgment, are almost as important to the eye as to the ear. This is total drama involving all the senses, in which replacement—no matter how ingenious—of even one remains a compromise. And then, as on previous American recordings of the Requiem, I find our domestic brasses ill-adapted to the music. A replay of either French version (Columbia or Véga) will communicate the lightness of Gallic trumpets and trombones with their small bore, their slender, chiming tone—like Gothic tracery—as opposed to the heavy pomposity of our own.

Unless my ears deceive me, there has been some slight economizing on certain of the instruments specified. I do not hear the total sonority of eight bassoons. And that terrible crack of doom in the "Dies Irae," scored for ten pairs of cymbals and four tamtams, comes off with considerably less impact than Berlioz has asked. On the other hand, the faint whirring of those same cymbals (three pairs, this time) beneath the tenor solo in the "Sanctus," suggestive of angelic wings, is faithfully conveyed.

The chorus is a good one, weakest perhaps in its tenor section, where an excessive use of *voix mixte* tends to produce the effect of altos, but generally of solid ability. And Charles Bressler's singing of the "Sanctus" comes off (with the possible exception of the old performance by Jouatte) as the best on records. His tones are beautifully molded and styled, the voice appropriately celestial. This new release of the Requiem is, in general, a striking one.

SPEECH BY THE VICE PRESIDENT IN HOUSTON

Mr. THURMOND. Mr. President, on May 22, 1970, Vice President AGNEW presented a timely analysis concerning attacks by the liberal press and the reasoning which supports his position. Speaking to a Republican gathering in Houston, Tex., the Vice President reaffirmed his right to make personal statements concerning current administration policies.

The power and influence of the news reporting media is clearly shown in numerous editorials and columns printed by certain newspapers which he cites, and through continued efforts to distort the statements of elected public officials. Obviously, if some of the Nation's key newspapers feel that they can succeed in suppressing and twisting Vice President AGNEW's statements, members of the liberal press will also feel that they can further distort public statements made by Representatives, State Governors, and even Members of the U.S. Senate.

Mr. President, the remarks of Vice President AGNEW at Houston express well the need and the right for every American to have the opportunity to hear their public officials, forthrightly and unexpurgated. In this time of dissent and violence, the rights of the vast majority of Americans, the nondissenters, must be protected.

Mr. President, I ask unanimous consent that the Vice President's remarks at Houston, Tex., be printed in the RECORD.

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

SPEECH BY THE VICE PRESIDENT IN HOUSTON

(Following is the complete text of a speech made by Vice President Agnew before a gathering of Texas Republicans at Houston, May 22, 1970.)

Lately, you have been exposed to a great deal of public comment about vice presidential rhetoric and how I should "cool it." The President is getting this advice daily from many quarters—some of them inside the government. But mostly it has come from persons who have been in the target area of some of my speeches.

Nowhere is the complaint louder than in the columns and editorials of the liberal news media of this country, those really illiberal, self-appointed guardians of our destiny who would like to run the country without every submitting to the elective process as we in public office must do.

The President has refused to curb my statements on behalf of this Administration's policies, or to tell me what words to use or what tone to take in my speeches. And on my part, I have refused to "cool it"—to use the vernacular—until those self-righteous lower their voices a few decibels. This, I am sure, they are unwilling to do, and there is too much at stake in the nation for us to leave the entire field of public commentary to them.

I can assure you that some of these pundits make my rhetoric seem tame. Here are a few recent, random samples I have collected to share with you tonight. These are the people who never tire of telling a President how he should run the nation's affairs. I hope you will overlook the slightly hysterical tone of some of their comments. They are overwrought because their advice is not heeded by the President with any degree of regularity.

The Washington *Post*, which constantly urges us to lower our voices, said after the President's detailed address to the nation on his decision to clean out the enemy sanctuaries in Cambodia:

"There is something so *erratic* and *irrational*, not to say *incomprehensive*, about all this that you have to assume there is more to it than he is telling us."

The *Post* may as well have come right out and said that it thought the President had lost his sanity. Words like "erratic, irrational, incomprehensible" are not ordinarily used to describe a carefully studied military decision by the nation's Commander-in-Chief.

And when the President referred to some college-based criminals as bums—these were people who had burned up a professor's life work—the *Post* was beside itself. It fulminated as follows:

"A gratuitous clop . . . a page from Vice President Agnew's copybook . . . campus unrest is simply being fanned and exploited by the Administration. . . . Hate the dissidents, excoriate the 'bums,' see if you can match Mr. Agnew in hurling names at them."

That was the hysterical view from the *Post*'s Ivory Tower where the master of sick invective, Herblock, also works. He reached a new low with a cartoon showing a National Guardsman in the aftermath of the Kent State tragedy with a box of live ammunition—each bullet bearing a phrase from my speeches. Except one. That bullet was labeled "college bums" in honor of the President.

And they ask *us* to cool the rhetoric and lower our voices.

Meanwhile, at the other end of the Washington-New York axis, the New York *Times* was thoughtfully contemplating events. A "military hallucination," it called the President's decision and it sternly warned one and all: "If the President does not promptly pull back from this dangerous adventure, Congress will have to assert its constitutional powers of restraint."

The *Times'* columnists were less restrained. Anthony Lewis, writing from London, said:

"The President of the United States, in a maudlin personalization and simplification of complex political issues, makes war a test of his own and the nation's manhood. . . . By this action President Nixon has calculatedly chosen to widen the division among the American people, to inflame instead of heal."

And Tom Wicker, the soft-spoken boy wonder of the opinion molders, said with disdain:

"Whatever his motives and his policy, Mr. Nixon relied heavily, in his appearances before the nation, on deception, demagoguery and chauvinism."

James Reston, the *Times'* premier columnist, writing from Washington on May 10, after the weekend of student demonstrations, saw fit to equate me with Jerry Rubin as an extremist. Mr. Reston did not bother to amplify on this comparison.

But so that the *Times* and its editors and columnists can be kept in proper perspective, I would like to quote to you a few comments that the incendiary Mr. Rubin made on the Kent State campus one month prior to the confrontation that brought the student deaths here. The Akron *Beacon Journal* reported that he told an audience of 1,500:

Until you people are prepared to kill your parents you aren't ready for the revolution.

"The American school system will be ended in two years. We are going to bring it down. Quit being students. Become criminals. We have to disrupt every institution and break every law. . . .

"Do you people want a diploma or to take this school over and use it for your own purposes? . . . It's quiet here now, but things are going to start again."

To suggest that I am guilty of this type of incendiarism is in keeping with the irresponsibility that the *Times* manages to achieve on its editorial page. And it is appropriate that the slur be cast by Mr. Reston, who delights in calling other people demagogues.

Earlier, the *Times* had deplored what it called "the Administration's open exploitation of fear and discord" and had said "there is a disturbing appeal to the nation's lowest instincts in the present Administration's descent to gutter fighting."

And they ask *us* to cool the rhetoric and lower our voices!

While the President's move on behalf of our troops in Viet Nam caused shivers at the Washington *Post* and New York *Times*, it brought apoplexy in some of the other misnamed bastions of liberalism in this country.

The *New Republic*, in a rare front page editorial, said this week:

"Richard Nixon is going down in history all right, but not soon enough. . . ."

It used such terms as "transparently phony . . . fraud . . . mean contempt . . . driven . . . disorderly . . . secretive . . . dangerous" to describe the President's actions.

"How is this country to get through the next two and one-half years without flying apart?" the magazine asked.

I. F. Stone's Bi-Weekly, another strident voice of illiberalism, commented:

"The race is on between protest and disaster. . . . The only hope is that the students can create such a Plague for Peace, swarming like locusts into the halls of Congress, that they stop all other business and make an end to the war the No. 1 concern it ought to be. The slogan of the striking students ought to be: Suspend Classes and Educate the Country."

During the frenzy following the Cambodian action, which news media invective helped fan instead of cool, it was not even safe to visit the South.

Some of you may recall that I substituted for the President in dedicating the massive new Stone Mountain Memorial to Generals Lee and Jackson and Jefferson Davis near Atlanta on May 9.

The Atlanta *Constitution*, which doesn't care much for me anyway, decided I was unfit for the honor. They put it in stronger terms, saying it was "a shame and a disgrace" that I was making that address.

The editorial continued:

"Honorable men ride that rocky ledge. . . . Spiro Agnew has none of those redeeming qualities. He has the grace of a drill sergeant and the understanding of a 19th Century prison camp warden."

Not even the Arkansas *Gazette* which views me with varying degrees of horror from its position on the extreme left, has matched the rhetoric of that tribute. Or at least, I haven't seen it if it has. I only see those clippings from the Gazette that are forwarded to me by Senator Fulbright . . . and sometimes Martha Mitchell.

Life's expert on the presidency—or I should say its leading expert, Hugh Sidey—pictured the President as acting from "a kind of splendid and angry isolation in the Oval Office, a deliberate defiance of a large and growing number of Americans and their institutions."

Mr. Sidey was even less charitable about the Vice President.

"For weeks now Agnew, more than Abbie Hoffman or William Kunstler, has dominated the headlines with a torrent of abuse that served mainly to call attention to all that is bad in our society—or what he takes to be bad . . . laying about with that big careless brush of his against the Administration's lengthening list of enemies."

Now I leave it to your judgment. Who is the real critic of America today? Who rails against our system and our institutions—suggesting we are a racist, imperialistic society? Is it *Life* magazine or the vice president?

But for pure unbridled invective, you will have to look far to beat that of the excitable columnist, television commentator and former ambassador to Finland, Carl T. Rowan. Mr. Rowan might once have used diplomatic language, but he long ago lost the art and his rhetoric is anything but cool.

In one recent column about me, he employed these phrases:

". . . rose above his own laziness and ineptitude . . .

". . . a dumb joke—a sort of aberration of history . . .

". . . he has come to personify all the class conflict, the racial hostility, the cultural and generational gaps that have transformed this society into a tinderbox.

". . . calculated maliciousness . . .

". . . prefer to pander to the prejudices of the most ignorant and selfish elements in society."

And Mr. Rowan could not resist joining Herblock and others in suggesting that I had something to do with the deaths of the Kent State students.

"Incredibly, even as four Kent students lay in the morgue and other lay critically wounded in hospitals, the vice president's trigger-happy tongue was still firing buckshot."

But the most vicious attempt to transfer the blame for the Kent State student deaths that I have read was in the illiberal New York *Post*, by columnist Pete Hamill. Listen to his irrational raving.

When you call campus dissenters "bums," as Nixon did the other day, you should not be surprised when they are shot through the head and the chest by National Guardsmen. Nixon is as responsible for the Kent State slaughter as he and the rest of his bloodless gang of corporation men were for the anti-integration violence in Lamar, and for the pillage and murder that is taking place in the name of democracy in Cambodia . . . At Kent State, two boys and two girls were shot to death by men unleashed by a President's slovenly rhetoric. If that's the brave new America, to hell with it.

Or if you care for a distaff view from that same organ, here's Harriet Van Horne:

"The President's . . . TV presentation of this decision was, moreover, maudlin, crafty and stained by fulsome sentiments."

Ladies and gentlemen, you have heard a lot of wild, hot rhetoric tonight—*none of it mine*. This goes on daily in the editorial pages of some very large, very reputable newspapers in this country—not all of them in the East by a long shot. And it pours out of the television set and radio in a daily torrent, assailing our ears so incessantly we no longer register shock at the irresponsibility and thoughtlessness behind the statements.

"But you are the vice president," they say to me. "You should choose your language more carefully."

Nonsense. I have sworn I will uphold the Constitution against all enemies, foreign and domestic. Those who would tear our country apart or try to bring down its government are enemies, whether here or abroad, whether destroying libraries and classrooms on a college campus, or firing at American troops from a rice paddy in Southeast Asia.

I have an obligation to all of the people of the United States to call things as I see them, and I have an obligation to the President to support his actions in the best manner that I can. I choose my own words, and I set the tone of my speeches. As he said at the recent press conference, I am responsible for what I say. And I intend to be heard above the din even if it means raising my voice.

Nothing would be more pleasing to some of the editors and columnists I have quoted tonight than to have me simply shut up and disappear.

Nothing would be more pleasing to those on the campus whose motives I have challenged. They are, for the most part, *not* the great body of students who are trying honestly to get an education. They are rather a small hard core of hell-raisers who want to overturn the system for the sake of chaos alone. They burn, pillage and destroy because they rebel against their lack of creativity. Although they are few in number, they have had a shattering impact. Unfortunately, they are encouraged by an equally small number of faculty members who apparently cannot compete legitimately within the system or do not choose to do so.

It is my honest opinion that this hard core of faculty and students should be identified and dismissed from the otherwise healthy body of the college community lest they, like a cancer, destroy it.

Peaceful dissent, yes! Violence, no!

Reasonable debate, yes! Street rioting, no!

Orderly change, yes! Throw out the system, no!

Some others who would be just as pleased if I lapsed into a more traditional vice presidential silence are in the Congress—the isolationists in the Senate, who seek at every turn to thwart the President's efforts to conclude this country's involvement in Viet Nam, in a manner which will prevent that part of the world from falling to Communist aggression. These senators are well intentioned, and most of them have been on the Washington scene far longer than I, but I'm afraid this has narrowed their viewpoint. They should get out in the country. It would improve their vision and their sense of reality.

Most Americans, I believe, fully realize that this country can never again withdraw to its shorelines and survive. That is the lesson of history that some have failed to learn or have too soon forgotten. The President desperately needs a Republican Congress to replace the neo-isolationist views and remove the willful obstruction of his programs.

Finally, a word about a third group that has received some attention in my speeches—the electronic news media. I have tried tonight to be specific in my criticism. I realize I have left out many who are in the business of second-guessing the President, and who should have been included. I hope we can get around to them later. But I also recognize there are many others in the news profession—a group upon whom the country has to depend for an *honest* report of what is going on in this world—and that they are attempting to live up to this responsibility, most of them successfully. I exclude them totally from the criticism I make here. And I compliment them for doing their jobs well under strong counter pressures, often within their own office and among less responsible colleagues.

It does bother me, however, that the press—as a group—regards the 1st Amendment as its own private preserve. Every time I criticize what I consider to be excesses or faults in the news business, I am accused of repression, and the leaders of the various media professional groups wave the 1st Amendment as they denounce me. That happens to be *my* amendment, too. It guarantees *my* free speech as much as it does their freedom of the press. So I hope that will be remembered the next time a "muzzle Agnew" campaign is launched. There is room for all of us—and for our divergent views—under the 1st Amendment.

BIG THICKET HEARINGS: EXAMPLE OF SENATOR BIBLE'S CONCERN FOR PRESERVING NATIONAL HERITAGE

Mr. YARBOROUGH. Mr. President, the holding of hearings on S. 4, my bill to establish a 100,000-acre Big Thicket National Park, was a significant step toward realization of a long-sought dream of many concerned citizens in Texas and the Nation. Field hearings were held on June 12, 1970, in Beaumont, Tex., on my bill.

The distinguished senior Senator from Nevada (Mr. BIBLE) is to be commended for his fair, efficient, and expeditious conduct of these hearings before his subcommittee. As chairman of the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs, our colleague from Nevada has dedicated himself toward preserving outstanding areas of natural beauty and grandeur for the enjoyment of the citizens of this Nation. Through his tireless efforts and his great interest in preserving significant areas of our great country, he has proved himself to be one of the leading contributors to conservation in this body.

In his unique dual role as chairman of the Subcommittee on Parks and Recreation and chairman of the Subcommittee on Interior and Related Agencies of the Appropriations Committee, he bears a great responsibility, for he must not only determine the worthiness of areas for selection as national parks, but must also consider the means by which such areas may be obtained. The distinguished Senator from Nevada is to be commended for his outstanding accom-

plishments in behalf of the citizens of this Nation.

Last Friday, June 12, 1970, Senator BIBLE again demonstrated his great interest, dedication, and his outstanding ability, as he presided at the field hearings in Beaumont, Tex., on S. 4, my bill to establish a Big Thicket National Park. Rather than denying interested citizens the opportunity to be heard, Senator BIBLE chose to set a rigorous and demanding schedule, whereby 2 full days of work were compressed into 1 day. In order to obtain complete and thorough testimony, Senator BIBLE began the hearings at 8 a.m. and extended them through 3 p.m.

Senator BIBLE demonstrated his outstanding ability by hearing some 35 witnesses testify on the proposed Big Thicket National Park during the hours from 8 a.m. until 3 p.m. All witnesses were afforded a full and fair hearing during this time, and through the chairman's efficient questioning, the testimony was pertinent, direct, and dealt with the relevant issues to be decided. Senator BIBLE then further demonstrated his great interest and concern for the proposed Big Thicket National Park by making a 5-hour tour of representative portions of the area by helicopter and automobile. This tour extended from 3 p.m. until 8 p.m. and included a view of the Neches River and a visit to the Alabama-Coushatta Indian Reservation.

Mr. President, on behalf of the people of Texas, I wish to extend to Senator ALAN BIBLE, of Nevada, our most sincere thanks and gratitude for coming to Texas to conduct these hearings and for the outstanding manner in which he conducted them. Senator BIBLE gave us the benefit of his time, his interest, and his outstanding ability in conducting these hearings and making a personal tour of the Big Thicket. We are most grateful to him.

THE CITADEL

Mr. HOLLINGS. Mr. President, recently the Nation has witnessed the temporary closing of a multitude of institutions of higher learning due to unrest on our campuses. Of course, all of us are justifiably proud of our institutions of higher learning, but in this regard I am particularly proud of my alma mater, The Citadel. Recently a syndicated column entitled "Citadel of Scholarship Still Stands," authored by Dr. Max Rafferty, was published in newspapers throughout the Nation. As Dr. Rafferty points out, The Citadel has a long and enviable record of excellence and can point with pride to the military record of its graduates. In addition, The Citadel has been fortunate to have superb leadership, including its current president, Gen. Hugh P. Harris, who will retire on September 1 of this year. General Harris has offered outstanding leadership and direction for The Citadel during his presidency, which started in 1965.

General Harris will be succeeded by Gen. James W. Duckett. General Duckett, who holds a doctorate from the University of North Carolina, joined The Citadel faculty in 1934 and, with the exception of a distinguished military career from 1941 to 1946, has served continuously in the capacity of professor, vice president, head of the education department, registrar, dean of admissions, administrative dean, and dean of the college. I am sure that General Duckett will continue The Citadel tradition of excellence and outstanding leadership.

I ask unanimous consent that Dr. Rafferty's article be printed in the RECORD.

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

CITADEL OF SCHOLARSHIP STILL STANDS

(By Dr. Max Rafferty)

"What ever happened to the strict, no-nonsense military school, where boys were turned into men and where patriotism was a state of mind to be proud of instead of an object of official scorn?"

Hear ye the authentic voice of an awful lot of American fathers. You'd be surprised how many worried dads write to me in this vein. They look unbelievingly about them at the well-publicized college campus of today, bristling with beards, fraught with filth, dripping with disloyalty, and they say, "Oh, no! Am I going to have to spend $15,000 to send my kid to that?"

Buck up, Dad. What would you say to a small but thoroughly accredited college in an ancient setting teeming with tradition, where for 127 years a dedicated staff has been graduating class after class of young men whose academic excellence is exceeded only by their love of country and their healthy reverence for the great traditions out of our national past? A college which proudly stresses its Cadet Corps of 2,000 men but which also emphasizes a fine general education for 4,000 other students? An institution of higher learning where every member of the faculty is a distinguished former military officer?

Incredible, you say, in this day and age? Not if you know about The Citadel. In case you don't, let me tell you what I found out a short time ago when I flew back to South Carolina to check up on these "incredible" rumors I'd been hearing about a school which actually and openly stood for decency and loyalty and high scholastic standards.

First, its home town of Charleston is proud of The Citadel. It has been since 1843, when it was founded. This is a bit of a switch these days, when the residents of so many of our college towns are sick at heart over the nauseating antics of their local students and faculties. Charleston isn't at all sick about The Citadel. Quite the contrary.

Second, and closely connected with Charleston's pride in its college, is the remarkable record of its graduates in the service of their country. Fifteen fell for the Flag in World War I; 280 died in World War II; 31 in Korea. Hundreds are now grimly at grips with America's enemies in Vietnam. Apparently the men of The Citadel stand ready to put their lives where their mouths are, a phenomenon all too rarely encountered among our hairy and hysterical college activists.

Indeed, it has been always thus. Cadets of The Citadel fought for the Confederate States at Yemassee Station in 1864 while helping to defend the Charleston and Savannah Railroad, and their descendants fight as gallantly today for Old Glory as their predecessors did for the Stars and Bars. I met two of the cadet commanders in the office of Citadel President Hugh Harris, who is a four-star general, retired. One of the boys was from California, the other from South Carolina. Tremendous young fellows, with shoulders like a bison's and a grip like a vise. Clear-eyed. Straight-talking. My kind of collegians.

Third and perhaps most important is the caliber of The Citadel's leadership. Gen. Harris is the latest in a long line of distinguished presidents who have recently included Gen. Mark Clark and Charles Summerall. Over the years, they have consistently stood for strict discipline, high standards and a liberal education in the best sense of that term.

So, Dad, take hope and heart. There may not be many Citadels still going strong, but there are some. The boys who attend must be unmarried, they must live in barracks and they must behave like gentlemen. They work hard, they go to chapel and their athletic teams are honored throughout the South.

Now, Dad, the rest is up to you. What The Citadel can do, other colleges can do also, if you just start sending Junior to institutions like this one instead of to the pot-puffing, obscenely placarded, confrontation-minded colleges where your son and thousands of other men's sons wind up these days, largely as the result of sheer apathy and yawning indifference on your part.

It's your money, you know. You can spend it to subsidize centers of sex, drugs and treason, or you can spend it on citadels of scholarship, morality and patriotism. It's still a free country.

And certainly the answer you come up with is going to be important to you. But it's going to be one heck of a lot more lastingly important to your son.

THE GENOCIDE CONVENTIONS: TWO LEGAL POINTS

Mr. PROXMIRE. Mr. President, of the many ill-founded fears that have been raised by opponents of the Genocide Convention two stand out as particularly persistent and thereby in need of clarification.

The first is the fear that American servicemen will be endangered by the convention or that they could be extradited to Vietnam for their combat killings which the enemy might label as genocide.

The second is the fear that Americans could be tried in foreign courts for actions that any foreign nation construed as a violation of the convention.

Mr. President, in his recent testimony before the subcommittee hearings on the Genocide Convention, Mr. Robert Layton, of the New York State Bar Association's Committee on International Law, gave special attention to clarifying these two points.

In reference to the fear for American servicemen he noted:

Captured American servicemen are entitled to the protections of the Geneva Conventions, which are in no way diminished by U.S. adherence to the Genocide Convention. U.S. adherence to the convention would neither diminish nor strengthen the obligations another state has in this regard. And . . . if an excused serviceman has returned to the United States, North Vietnam would have no right to ask for extradition. We have no extradition treaty covering the territory of North Vietnam and, incidentally, all of the states with which the United States has extradition treaties are set forth in 18 U.S.C.A. 3181, and it is clear that, and I quote:

"Under the laws of the United States, the Government of the United States may extradite an individual from this country to a foreign country only in accordance with an extradition agreement. It may not extradite

an individual to a foreign country in the absence of such an agreement or in a case not coming within the terms of such agreement."

In regard to the fear that Americans may be tried in foreign courts, Mr. Layton said:

Our committee has noted that there is no valid basis for concern over possible trial of Americans in foreign courts as the result of ratification of this convention. This is the fact since U.S. ratification has no effect one way or another on the ability of a foreign country to try American nationals within its borders under its domestic criminal laws enacted either pursuant to this convention or otherwise.

For example, should any authority in Vietnam attempt to prosecute any American serviceman for alleged Genocide, its legal right to do so would in no manner be affected by whether the United States had adhered to this convention. Any sovereign Nation has the power to enforce its domestic criminal laws within its own territory.

In support of that, we call attention to section 20 of the Restatement of the Law of Foreign Relations, and I quote: "A state has jurisdiction to enforce within its territory a rule of law validly prescribed by it." Restatement of the Law of Foreign Relations (2nd Ed.) Section 20; The Schooner Exchange v. M'Faddon, 7 Cranch 116, 136; Wilson v. Gilard, 354 U.S. 524 (1967).

Mr. President, Mr. Layton's testimony is just one of many which clearly demonstrates that there are no conclusive legal arguments against Senate ratification of the Genocide Convention. The Senate should follow the advice of the New York Bar Association Committee on International Law and many other panels of distinguished lawyers by ratifying the Genocide Convention.

PRINCETON IN THE NATION'S SERVICE

Mr. KENNEDY. Mr. President, the current issue of the New York Review of Books contains an excellent article by Prof. Lawrence Stone, of Princeton University. In the article, Professor Stone describes the recent events on the Princeton campus, and the birth of the so-called Princeton plan and the Princeton movement for a new Congress. As a part of this plan, the university has scheduled a 2-week recess before the November elections, in order to enable students of the university to participate more actively in the fall election campaigns.

In many respects, the events of recent weeks at Princeton are a model of the new and constructive activism that is developing at campuses across America. For the time being, the nightmare of the peace movement disintegrating into a wave of terror and bombing has passed. More and more of our youth see that the system can change, and are being caught up in the movement to accelerate the change from within.

Professor Stone's article describes in detail the story of how one university has responded peacefully and constructively to the events of Cambodia and Kent State. I commend the students and faculty at Princeton for their ability to translate their moral outrage over these events into effective political action. I believe that the Princeton experience will be of interest to all of us in Congress who are concerned over the direction of American universities. I ask that the article be printed in the RECORD at the conclusion of my remarks.

By way of footnote, I might add that the title of Professor Stone's article—"Princeton in the Nation's Service"—is derived from a university motto used originally by Woodrow Wilson in an address at the university's sesquicentennial anniversary in 1896. At the time, Wilson was professor of jurisprudence and political economy at Princeton. Later, he served for 8 years as president of the university before going on to become Governor of New Jersey and President of the United States.

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

[From the New York Review of Books, June 18, 1970]

PRINCETON IN THE NATION'S SERVICE

(By Lawrence Stone)

Between April 30 and May 13, 1970, Princeton University turned deliberately and decisively over, and will never be quite the same again. Symbolic of the new Princeton is its having thrown open the main gates of the campus. The experience was in many ways similar to that of hundreds of other colleges and universities across the country, but the special forms it took, and the political initiatives that came out of it, are of more than parochial interest. There are some valuable lessons to be learned.

Princeton is a university which, before President Nixon invaded Cambodia, had not had a riot, sustained disruption, or act of personal violence, and which even today has been subjected to only two minor and universally condemned cases of attempted arson, and a peaceful blockade of a military research installation, which was terminated by a court order without violence. On the other hand, when the full nature of what had happened began to be appreciated in Washington, Senator Strom Thurmond publicly demanded that the Internal Revenue Service investigate Princeton's tax-exempt status. The absence of physical violence at Princeton and the outbreak of rhetorical violence on Capitol Hill both require some explanation.

The best way to proceed is first to describe what happened, and then to speculate about causes and consequences. To clarify the chronology, we have to discuss five principal events: a meeting in the university chapel on Thursday, April 30; meetings to draw up resolutions held by the Council of the Princeton University Community and the Strike Committee on the following Sunday; the Princeton Assembly on Monday afternoon; a series of meetings by the faculty on subsequent days; and the setting up of three major and several lesser political organizations.

The story begins with the mass meeting in the university chapel immediately after President Nixon's speech on Thursday. Outraged by what they had heard, the students swarmed out of the dormitories and within the hour 2,500 persons out of a total university community of under 6,000 were packed in and around the chapel. The meeting decided to call a "strike" to protest the escalation of the war, pending action of an Assembly of the whole university community called for Monday afternoon, and immediately afterward an *ad hoc* Strike Committee was set up. Originally this consisted entirely of undergraduates, only a small minority of whom were SDS, but in the next few days graduate students and faculty representatives were added.

The first clear proof that a dramatic shift of opinion had taken place and that the students now meant business was the last-minute decision by most of the eating clubs—traditionally the bastions of campus conservatism—to cancel arrangements for Saturday dances and other festivities on what was to have been the most important social occasion of the year, and to donate the money to antiwar organizations that were springing up everywhere.

The Assembly has no constitutional authority whatever, and is a device to avoid formal institutional commitment to political positions, while allowing members of the university community to come together to express their collective feelings and beliefs. It had been used in November to register support for the Moratorium, since at that time most students and faculty were already gravely disturbed at the failure to end the war, although at any rate the faculty still insisted on the preservation of institutional neutrality. The Princeton community was clearly very anxious in November, but not yet desperate.

The Assembly on May 4 was attended by about 4,000 people who spent four hours discussing two sets of resolutions, one brought forward by the Strike Committee, and another more detailed set worked out by the Council of the Princeton University Community. The Council is a fledgling institution which began to function this year, and is composed of elected representatives of all the constituent parts of the university—administration, faculty, undergraduates, graduate students, professional staff, and alumni. It is meant to act as an influential advisory body on all aspects of policy, and this was the first real test of its political clout. The Assembly voted 2,000 to 1,500 for the Council's recommendations in preference to those of the Strike Committee.

The differences between the two sets of resolutions involved tactics rather than basic objectives, but they were of fundamental importance since the Strike Committee wanted to use the resources of the university for antiwar purposes—which is probably illegal—and immediately to sever relations with the Department of Defense—which would have the most devastating personal and financial consequences. The vote therefore left open the possibility of a deep division within the university. Such a division was not at all unwelcome to a few of the militant radicals, but the danger was averted by a strong call for unity by the elected president of the Undergraduate Assembly—the first black president in Princeton's history—who pointed out that "division is all that Nixon wants," and by the prompt setting up of a coordinating committee of the University Council and the Strike Committee.

The first act of the Assembly was to vote, with only about 200 dissentients out of 4,000, to condemn the Cambodian invasion. This political stand was later approved by the faculty, by a huge majority after a long debate, thus reversing the strong stand against *institutional* commitment to political positions which had been taken by the faculty as recently as November 1969, at the time of the Moratorium. That the faculty was fully aware of the gravity of this step is shown by the preamble to the resolution: "The previous conduct and recent escalation of the United States war in Indochina is so dangerous to the nation and to the pursuit of learning in universities that we, the Faculty of Princeton University, feel impelled, on this occasion, to abandon our usual reluctance to express ourselves on political issues." It is also shown by the way the faculty backed off from all further institutional commitments to opposition to the draft and other political and moral positions.

Secondly, the Assembly called for a noncoercive "strike"—no one could think of a more appropriate word—involving a modi-

fication of normal end-of-term procedures "to enable those individuals who believe that they must suspend their normal activities to do so without prejudice to their academic standing at the same time permitting those individuals who wish to continue their normal activities to do so." A very significant aspect of this resolution, the practical details of which were subsequently approved by the faculty, is its noncoercive nature, which set a precedent for all future actions. As a result, examinations have proceeded as usual for those who want them, and modifications of full academic requirements have mainly taken the form of pass/fail rather than grades and of postponement rather than waiver. In fact, a large majority of students appear to have given up attempts to continue their normal academic curriculum this term, and perhaps as many as half of them are fully engaged in various forms of political activity. This is a truly staggering proportion for a normally fairly quiescent student body.

Thirdly, the Assembly recommended a reorganization of the academic calendar in the fall term of 1970, so as to provide a two-week recess immediately prior to the November elections. This scheme had been worked out on Friday by a group of students and junior faculty who were anxious that the strike should direct itself to concrete political action rather than dissolve in futile protests and destructive internal squabbles. According to the plan, which was rapidly endorsed by the president and the student newspaper and later by the faculty, school would start one week early, the Thanksgiving recess would be eliminated, and the Christmas holidays would be postponed by three days. Thus those who want to do so will be able to work actively for candidates of their choice. The arrangements are thus scrupulously noncoercive in character and are designed to maintain the full educational functions of the university. If a substantial number of other colleges follow suit, this move could unleash a flood of students for political campaigning in the decisive weeks before the November elections.

The Strike Committee wanted to commit university resources directly to antidraft activity, while both the University Council and the Strike Committee were determined to overhaul the university's relations with the military. The Strike Committee demanded an immediate severing of all ties with ROTC, the immediate termination of the lease to the Institute for Defense Analyses (a small military think-tank which was installed at the height of the cold war on university property adjacent to the campus), and the immediate severing of all financial relations with the Department of Defense.

Some of the more militant activists of SDS found an outlet for their energies in a physical, though nonviolent, blockade of the IDA building, a move which at first enjoyed a good deal of sympathy from the moderate students and from some of the faculty. As the siege went on, however, opinion swung against it, as both tactically inept and irrelevant to the major issues of stopping the war and cutting down federal funds for military activities. The unity of the university was quickly re-established by a declaration by President Goheen, acting independently of the blockade, that he was opening prompt negotiations in order to terminate the lease as soon as possible, a decision strongly approved by the faculty.

The faculty also voted to terminate all connections with ROTC as soon as possible, with a proviso that the plight of students dependent on ROTC grants should be respected. Once again there was careful concern for individual rights. The most difficult and complex problem in Princeton's relations with the military is that of scientific research financed by the Department of Defense. The research careers of many dozens of faculty, graduate students, and staff are dependent on these grants, most of which are for research with only the remotest connection with military technology. Nearly $4 million worth of grants are now in process, and the university has no resources of its own to fill this giant hole.

It should be explained that by an accident of history and by the way the politics of Washington work, a high proportion of all purely scientific research with no direct application to warfare is sponsored by the Department of Defense. It should also be stressed that for over ten years now Princeton has refused to accept funds for classified research, so that the proportion of directly war-related research on campus is minimal. But so obscure are the facts and so enormous the effects on the university of a refusal of funds from the Department of Defense and other military agencies that the faculty and the Council decided to set up a special committee to examine all aspects of the problem, and to report back by November 1, 1970.

In order to provide machinery for the flow of money to antiwar activities, while at the same time carefully preserving the institutional neutrality of the university, the faculty approved the setting up of a Princeton Community Fund, to which all members of the university who wished to do so were invited to contribute at least one day's pay. The Fund is thus a purely private source of money, which is used to pay the university for all the facilities—telephones, typewriters, mimeograph machines, paper, etc.—which are used by the various antiwar organizations housed on campus. The sole contribution of the university is the provision of free space.

Finally, the faculty passed a strong resolution abhorring all forms of violence and physical coercion. Many thought that such a statement was redundant, but were convinced of its necessity by recent statements of the Vice President and the Attorney General, and by letters to the newspapers, which suggest that it is widely believed that academic administrators and faculty condone the use of violence for political ends. These far-reaching decisions were taken only after prolonged debate, but they were all eventually carried by overwhelmingly large majorities. The conservatives were apparently so shaken by Presidential policies that they either stayed at home, retreated into silence, or came out in support of measures they would vigorously have opposed a week before.

Meanwhile, students and faculty were devising constructive ways to use the money in the Fund in order to bring maximum pressure to bear upon the political scene. The three major plans were the Princeton Movement for a New Congress, the Speakers Bureau, and the Princeton Union for National Draft Opposition.

Such, in brief, are the facts. The first question is why this deep outpouring of emotion flowed at Princeton in such peaceful and constructive channels, instead of expressing itself in nihilism and violence as happened on so many other campuses, and why Princeton succeeded in organizing itself so quickly. Two reasons are size and location. With a student body of fewer than 5,000, Princeton is an easy place for groups to communicate with each other. Set in the countryside of New Jersey, it is relatively free from the terrible pressures of the city, like those which left Yale drained and exhausted when the Cambodian crisis came. That the faculty and students held together and marched in step was partly owing to their traditionally close links and the high faculty-student ratio (a function of sheer wealth).

But more important was the fact that the structure of power and decision-making had already been radically altered along the lines recommended by a committee headed by Professor Stanley Kelley of the Politics Department. This committee had been set up two years ago this May as a result of a nonviolent demonstration organized by the SDS in protest against the university's close ties with the IDA, and against the pyramidal concentration of power in the hands of the trustees, administration and faculty. The demonstration was the SDS's finest hour, and its greatest and most lasting contribution to Princeton. The aims of the demonstrators were supported by most of the faculty and were accepted by the president. All that has subsequently happened at Princeton has followed from this critical turning point.

As a result of the major changes in the distribution of power recommended by the Kelley Committee, Princeton entered on the Cambodian crisis with student members sitting on most university and faculty committees, and with many new participatory institutions already in existence, such as student advisory committees in each department, the Council of the Princeton University Community, and the Princeton Assembly. These provided regular channels for rapid cooperation and action among administrators, faculty, and students. This was important, not only in allowing Princeton to move so fast, but also in isolating the small but prominent minority who wanted to use the crisis to liberate the students from their dependence on the faculty, and to strike against the university rather than against the war.

Although it did not appear so at the time, it was probably also helpful that these participatory institutions were still brand-new, and that they had been subjected to enormous strains in the previous weeks, as the university authorities tried to discipline a group of students who had deliberately prevented Secretary Hickel (who in those far-off days was regarded as unredeemably evil) from being heard at a conference on ecology. The campus was tense, the editorials in the student newspaper were angry and threatening, and the faculty found themselves defending the traditional right of free speech and institutional neutrality to uncomprehending students who saw only another copout. Though often a dialogue of the deaf, this experience had alerted many faculty to the depth of feeling just below the surface of an ostensibly placid campus. It also forced administrators, faculty, and students to realize how terribly fragile were the bridges they were building among themselves, and that the whole program of the Kelley Committee for restructuring the university would be seriously endangered by another major confrontation.

When the Cambodian crisis erupted, almost everyone had learned the lessons of the "Hickel affairs," and saw the essential need for compromise and cooperation if the university were not to tear itself apart rather than to help turn America around. What President Nixon did by invading Cambodia, resuming the bombing of North Vietnam, describing students as "bums," and unleashing the divisive rhetoric of Vice President Agnew was to activate the moderate middle of both students and faculty who had hitherto gone quietly about their business and had left political protest to the activists of the SDS.

These moderates now emerged in force and threw themselves into political action, determined to give the American political system one last try. The leaders, both students and faculty, are morally committed but intellectually hardheaded and realistic. They are pragmatists rather than idealogues, and are demonstrating remarkable skills in political organization and in the manipulation of the news media. They and their followers seem to consist partly of the less extreme supporters of the New Left and partly of old-timers who fought in the McCarthy and Kennedy campaigns and who see one more chance to exercise their talents for constructive purposes.

More important in both numbers and weight, however, is a vast new phalanx of the hitherto uncommitted, young men and adults normally conservative by temperament and background, who are bringing with them invaluable contacts among the business and political elites, and a determination to make the political institutions of America respond to reasoned pressure. The predominance of the naturally conservative or apolitical in the movement is the reason why so much of the initiative is coming from places like Notre Dame, Dartmouth, and Princeton. The sudden arousal of this hitherto quiescent mass is remarkable proof of the "J curve" theory, according to which revolutions tend to occur when a long period of rising expectations is suddenly followed by deterioration, disillusionment, and a sense of betrayal. For two years the moderates had believed that the war was slowly winding down, but the Cambodian invasion shattered their hopes and drove them into furious action.

A further reason that events took the turn they did at Princeton was the resilience and the leadership provided by the administration. President Goheen led the faculty in recognizing immediately the seriousness of the crisis, and in responding rapidly and sympathetically to the student calls for action. At the same time, the liberals have seen to it that great care has been taken at all times to respect the rights of individuals—those who wish to continue their studies and to take exams, those who are supported by DOD or ROTC grants, those who do not wish to take any political stand at all, those who support the war. Apart from the one antiwar resolution, the political neutrality of the university as an institution has been preserved with great care, while the maximum freedom for political action for its individual members has been facilitated. Senator Thurmond's threats against the university's tax-exempt status were superfluous, since all political organizations on campus have always been aware of the great importance of exercising the most scrupulous care in their financial accounting with the university, by paying for all the equipment and materials they use.

One of the most striking shifts of opinion in the past few weeks has been over the question of the university's ties with the military-industrial complex. Most of the Princeton community is now aware of the urgent necessity of taming this Frankenstein monster, bred of the Second World War and the cold war, and of radically altering national priorities. Those who a month ago were content that the university should accept the DOD grants for research, provided that none of it was classified, now want to see it transferred to civilian agencies or got rid of altogether. Those who a month ago were content to have ROTC on campus, provided that it was strictly extracurricular activity like rowing, are now determined to get rid of it altogether. Those who a month ago were content to let the Institute for Defense Analyses stay until its lease expires in 1975 now want it out as soon as possible.

The horror and revulsion against all things military arise from a final recognition that the $80 billion annual investment has created a giant interest in perpetuating expenditure on the technological hardware of overkill. The moderate middle has been shocked by Mylai and Kent State and Augusta and Jackson State into seeing the truth of what the radicals have been saying all along, namely that there is a connection between war abroad and racism and repression at home. It now sees the threat to freedom of speech as coming as much from the right as from the left, and the threat to the rule of law as coming as much from the agencies of law enforcement as from the forces of radical dissent—if not more. The moderate majority on campus today, then, sees the world much the way it was seen by the New Left in April. It has absorbed many of the New Left's ideas, but has impatiently pushed the extremist SDS leaders to one side, rejecting their tired rhetoric and their theatrical counter-productive tactics, and is now setting about trying to change the world through the machinery of electoral politics.

Potentially the most important of the many political initiatives launched by Princeton is the Princeton Movement for a New Congress, which is headed by Professor Gary Orfield, a young political scientist who has already made an impact on Washington by helping to block the Haynsworth and Carswell appointments to the Supreme Court. Now more and more closely linked to numerous similar organizations, and with affiliates already established in over 300 colleges, the Movement has enlisted the imagination and enthusiasm and talents of hundreds of students at Princeton and thousands more elsewhere. A computerized data bank on Congressional voting records has been established to help identify the hawks and the doves, and students are already busy supporting peace candidates in primaries in New Jersey, Pennsylvania, and Connecticut. Neatly dressed and closely shaved, they are now out ringing doorbells; the Princeton barbers have never been so busy as in the first week of May.

The second Princeton initiative is the Speakers Bureau, which is organizing faculty and students to go out to Middle America, to Rotary Clubs, alumni reunions, etc., in order to convey the depth and seriousness of campus opposition to the war. The Bureau is also preparing for publication a reader, tentatively entitled "One Campus on Cambodia," which will include an anthology of student essays on the subject "Why I'm Against the War."

The third major new organization is devoted to orchestrating opposition to the draft on a national scale. After a moving ceremony in the Princeton University Chapel, over 190 students placed their draft cards on the altar and left them in the custody of the Dean of the University Chapel—a figure which has since risen to the astonishing total of over 300. The Union for National Draft Opposition is a nationwide organization based at Princeton, which offers information, moral support, and legal aid to those who feel they cannot serve, encourages an expansion of the concept and use of conscientious objection, and lobbies for other reforms of the draft law.

Make no mistake about it, these and many other political efforts of students and faculty should not be treated lightly. The first "Children's Crusade" ended in political annihilation and bloodshed in Chicago. If the second goes the way of the first, if the politicians refuse to listen and drastically to change national priorities, the depth of despair among the young and among the intellectuals is frightening to contemplate. Today it is not only the war which revolts them. It is also the prospect of growing environmental pollution; it is the diversion of billions of dollars to piling up useless instruments of death in an arms race no one can win; it is the polarization of the country between black and white; it is the growing contempt on all sides for the rule of law. This is not a world into which the young want to bring their children, and many are talking seriously of not having any, unless things change for the better. But the experience at Princeton and at many other campuses since April 30 offers at least some glimmer of hope, for it proves that reason can still prevail over unreason, nonviolence over violence, constructive over destructive action.

TRIBUTE TO BABE RUTH BASEBALL

Mr. BROOKE. Mr. President, I am pleased to join Senators today in honoring the institution of Babe Ruth Baseball.

Incorporated in 1952, Babe Ruth Baseball has afforded literally millions of young men an opportunity to participate in constructive recreational activity. By encouraging development of physical and mental capabilities, as well as instilling principles of sportsmanship, Babe Ruth Baseball has helped countless young teenagers to develop into mature and responsible citizens.

Regardless of what devotees of such sports as football, basketball, and now hockey might say, baseball is still considered our national pastime. Great championship teams in other sports have been a source of inspiration to many, but baseball remains the team sport that continually draws both the greatest spectator interest and the most individual participation.

Lounging under a July sun in the bleachers, pursuing a flyball through a grassy field, the wondrous sound of ball meeting bat, the eternal thrill of a home run winning the game for the local favorites—these sounds and sights are part of our national heritage. And the story of Babe Ruth himself, from a broken home in Baltimore to stardom and legendary with the Boston Red Sox and the New York Yankees, is symbolic of American achievement.

I am particularly pleased to join in this honoring of Babe Ruth Baseball today because of the fact that a citizen of Massachusetts currently serves as chairman of the board of directors of international Babe Ruth organization. Mr. Stanley Ziomek of Amherst, has long been active in youth affairs in Hampshire County and the rest of Massachusetts and is a credit to his State, as well as to the organization which he presently serves in a voluntary capacity.

Mr. President, I ask unanimous consent that the "Sportsmanship Code of the Babe Ruth League" be inserted into the RECORD. It is a code which could very well serve all people, not only young baseball players, in attempting to live more meaningful lives.

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

THE SPORTSMANSHIP CODE OF BABE RUTH LEAGUE

Develop a strong, clean, healthy body, mind and soul.

Develop a strong urge for sportsmanlike conduct.

Develop understanding of and respect for the rules.

Develop courage in defeat, tolerance and modesty in victory.

Develop control over emotions and speech.

Develop spirit of cooperation and team play.

Develop into really true citizens.

JACKSON STATE KILLINGS

Mr. MUSKIE. Mr. President, on May 22, in Jackson, Miss., I was one of a group of concerned citizens who attended the funeral of James Earl Green, who was shot and killed on May 14, 1970, in a moment of unprecedented police violence, across from Alexander Hall, the girls' dormitory at Jackson State College. Green was a high school student who was returning home from his part-time job

when he was shot by the police. In the absence of complete and impartial investigation with even tentative findings, the best available evidence suggests that the following is what occurred on the evening of May 14, 1970.

Fifteen minutes before Green was shot, the police had randomly fired into a men's dormitory some 100 yards away from Alexander Hall. Then the police and the men of the Highway Patrol moved down West Lynch Street toward Alexander Hall, led by an armored vehicle equipped especially for riot duty. Outside Alexander Hall a skirmish line was formed. With no known warning, a barrage of bullets left Philip L. Gibbs, a 21-year-old black, prelaw student—and father of an 11-month-old son—dead, seven others wounded and one wing of Alexander Hall riddled. Gunfire was then trained on the buildings across the street, as of that moment, and lacking refutation, it appears the police picked up their expended shells, ignored the wounded, and left.

It is impossible not to be disturbed and angered by this savage killing of a black college and a black high school student by white police and highway patrol.

Mr. President, I ask that a memorandum to the Lawyers' Committee for Civil Rights Under Law from its Jackson office concerning the Jackson State College be inserted in the RECORD at the end of my remarks. The memorandum raises serious questions about the background of these killings—questions for which I do not have the answers but which must be answered. It furnishes great detail about what happened in those moments around midnight on May 14, 1970, as seen by some of those on the scene. It contains proposed solutions to alleviate pressure on Jackson State.

Since the funerals of Philip L. Gibbs and James Earl Green, Mr. President, the evidence of the shootings has been removed from the campus of Jackson State College; the Governor of Mississippi has announced the results of an "investigation" that raised more questions than it answered; the Governor has refused to cooperate with Federal investigators; the mayor of Jackson has refused to make public the report of a Biracial Investigating Committee; and Assistant Attorney General Jerris Leonard has said that there is not "sufficient evidence" to lend credence to reports of sniper fire.

Since the funerals of Mr. Gibbs and Mr. Green, I have wired the President once and the Attorney General twice, asking that a special Federal grand jury be empaneled to investigate the killings at Jackson State. I ask that the text of these telegrams be inserted in the RECORD at the conclusion of my remarks.

The Department of Justice has the public duty to convene a grand jury and prosecute the killers. They must pursue this charge even though it may develop that those responsible for these two deaths wear the blue uniforms of the Jackson Police Department or the gray uniforms of the Mississippi Highway Patrol. No one is above the law. Everyone is entitled to the security of his person. Equal justice is the cornerstone of this Nation, of which Mississippi is a part.

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

MEMORANDUM

To: Lawyers' Committee for Civil Rights Under Law.

From: Alvin O. Chambliss.

Re: Recent Jackson State College disturbances, how real can black repression be?

Many blacks in America have expressed a view that genocide in this country is at an all-time peak. This point of view seems to stem from the many contradictions in our society. The Nixon Administration did not help this situation with its all-white cabinet, nor did its alleged conspiracy against the Black Panther party. Whatever stimulates this type belief among black folk, it can not be denied that incidents which have occurred in this country, in the last couple of weeks seems to crystalize in most black people the truth of genocide in every form and fashion.

The Jackson State College incident is a typical case in point, which can be used to illustrate the many reasons why blacks in this country are so apprehensive.

Jackson is a city centrally located in Mississippi, with a population of around 200,000 people. Among other things, it is also the home of Millsaps, Tougaloo and Jackson State College.

Jackson State College is located in the black community with a thoroughfare dividing the college. There has been a long history centered around the issue of Lynch Street, and the role this thoroughfare plays in each disturbance connected with the college. Going back a few years, a student of Jackson State College was hit by a car while crossing the street. Students reacted by throwing rocks, bricks, and other objects at passing cars. The street was quickly sealed off and police reacted with a general firing upon unarmed students injuring several. An armored tank which was acquired during Mayor Allen Thompson's administration (given the name generally of "Thompson's Tank") was called in to put down the sporadic rock throwing.

A street light was put up, since there was no light in the first instance and students had to cross the streets at their own risk. There was talk about re-routing the traffic. There was also talk about running a ramp across the street so students could cross safely, as well as building a tunnel so cars could go through without injuring students. All of this talk died out, and business as usual was reinstated.

Each year after 1963, there was trouble which brought policemen, highway patrolmen and other officers into the campus, caused basically because of Lynch Street, the main thoroughfare through the campus.

In 1967, a similar incident concerning Lynch Street resulted in the death of Ben Brown, an active civil rights worker. There were other people who were injured also. There were many who called the "Ben Brown incident" cold blooded murder. Whatever the case, patterns of practice tend to support the theory that "over-reaction' is the rule rather than the exception in cases, stemming from a few rocks being thrown into Lynch Street. Again, the idea of turning Lynch Street over to Jackson State College, and re-routing the traffic was aired, as well as other demands by the community and students, but they too were dropped in a few weeks.

On May 13, 1970, students at Jackson State College had a meeting on matters which are pressing our society today. The number one topic of discussion was the events which had occurred in Augusta, Georgia. They were upset over the "alleged massacre" of the six blacks in Augusta. However, their main concern was the coroner's autopsy report stating all six people allegedly killed by the police on Monday, May 11, 1970 were shot in the back. The students were also upset over the fact that one victim was shot nine times.

Students also contend that other pressing matters were discussed; the alleged conspiracy against the Black Panthers party; the election problems of black people in Lake Providence, Louisiana the Cambodian and Indochina war and its effect on black people; and the grievances against the refusal of the school to attack the allocations and distribution of funds by the state, as between the white and black colleges.

On or around 9:30 p.m. a crowd of students including a substantial number of non-students began congregating near the center of the campus on Lynch Street. Rocks and bricks were thrown as cars passed. Several people were allegedly treated for injuries received from the rock throwing. Highway patrolmen, city police as well as National Guardsmen manned the barricades surrounding the campus. A small bonfire was alleged to be burning in the middle of Lynch Street. The 30-block sealed off area was guarded and people who were permitted by the roadblock were searched for weapons. Thompson's armored tank was moved onto the campus to protect the ROTC building, but was not used to disperse the students; nor was tear gas used. Although the crowd reportedly reached 200 in numbers, damage to the area was light.

The next day, the President of the College, Dr. John A. Peoples issued a bulletin entitled "A Message from the President." In the one page message, he stated that "two trailers used for hauling garbage from dormitories and the dining hall were burned." He expressed disappointment in the students, reminding them that "young black adults" were the persons our society would depend on for leadership in the future. He also mentioned the fact that the overwhelming majority of students were not participants in the riot, and to those who tried valiantly to prevent it, a note of thanks was extended.

The climate was very relaxed all during the day and many of the students were satisfied that the earlier tension had passed. However, around 7:30 to 8:00 p.m. students began to feel uneasy, and the general mood changed. Mr. Warner Buxton, President elect of the Student Government Association of Jackson State College explains, "At first, I thought that things had settled down to normal. Many students were going to class as usual. During the early part of the night people were not concerned about the presence of the National Guard." "Mayor Russell Davis seemed to have gotten his message across to the students as well as President John Peoples."

Between 8:00 and 9:00 p.m. people began to mill around the edges of the campus as well as in the middle of the campus. An alleged report of Mayor Charles Evers and his wife being killed in Fayette, touched off a reaction resulting in the burning of a city dump truck that was parked for the night at the site of a pipeline repair job on campus. Other students deny the report of Mayor Evers' death, as the proximate cause of the fire. Whatever the reasoning, students did set fire to the dump truck and city firemen moved in to extinguish the blaze. The students said no one bothered the firemen, and they immediately put the fire out, even though highway patrolmen and city policemen allege that rock, bricks, bottles and other materials were tossed at them while they were battling the fire. However, there were no reports that firemen were injured while fighting the fire, which can be attributed to the Jackson State College students.

What happened next is unprecedented in our modern day college history. The National Guard, the city police and the "Mississippi Gestapo" acting in concert, perpetrated the most vicious, inhumane and savage act known to mankind on the Jackson State College community, the Jim Hill High School community as well as the black community in general. The "Mississippi Gestapo" referred to earlier, is the Mississippi State Highway Safety Patrol. The name was given to it by the black community because of the Mississippi State Law which permits it to go into any county in the State whenever trouble arises and not be held responsible for its actions while being in an area outside its original area. Black community people in fact know that the highway patrol, even though it appears not to be a secret police organization, is in fact secret, since its overt, aggressive and unlawful actions are, in fact, never indictable, convictable or subject to the rule of law.

As soon as the firemen left the campus, unharmed, the highway patrol being given an opportunity to come upon the campus to seek and destroy marched upon the campus. They had double parked on Prentiss Street, and were waiting for an excuse to murder. After marching about a block, several of them stopped at Stewart Hall where they shot from five to ten bullets through the fourth floor window. The shots entered the window from the side of the building and apparently were fired from that area. They then proceeded to march up the street toward Alexander Hall. As to whether or not they fired shots between the Stewart Hall firing and the Alexander Hall massacre has not been settled. However, one student reported several patrolmen told him to clear the area, unless he wanted to be filled with bullets.

A crowd of students were in front of Alexander Hall and on the streets in front of the building. There are conflicting testimony as to whether or not the highway patrolmen who had a bull horn spoke, or said nothing before the massive shooting. There is also conflicting testimony as to whether or not two shots were fired, by a student or students, or whether or not a bottle was thrown or not. At any rate testimony has been alleged by the Chief of Detectives M. B. Pierce and Highway Patrol Inspector Jack Hutchinson, on duty when a spatter of gunfire fired from all types of automatic weapons took the lives of Phillip L. Gibbs, 21, of Ripley, Mississippi, a junior at Jackson State College, majoring in History and Political Science and James Earl Green, 17, of Jackson, Mississippi, a senior at Jim Hill High School and a track star, that is in conflict with most of the student testimony.

A tape recording of events surrounding the firing on the dormitory starts with a voice asking, "Are you shooting?" apparently a reporter asking his cameraman whether he was shooting film. The cameraman replies, "Yes." The tape speaker may have burped twice, some of the officers may have made the sounds, or maybe they were shots, even though they were considerably lower in terms of sounds than the officers shots. Then a bottle breaks, and there are two sounds. After the two sounds, there is a roar of gunfire from the highway patrol officers which lasts at least 30 seconds before a cease fire order was given, after the men in fact had ceased firing themselves.

After the firing ceased, the highway patrol officers all stooped down and picked up most of their shells and quickly marched off in the direction of their cars parked on Prentiss Street. This part of the testimony is clear and uncontradicted. It is also clear that between 300 to 500 bullets were fired into Alexander Hall, Robert's Dining Hall and Stewart Hall, Alexander Hall getting about 90% of the shots. There are conflicting testimonies as to whether Alexander Hall's fourth floor window will open up in such a manner that a sniper can shoot out of it and still be covered substantially. One student said "No one shot from the fourth floor of Alexander Hall, if one wanted to fire, he or she would almost hang half-way out of the window."

There are conflicting reports as to how many students were injured. Most papers state 12 to 18 even though students say half of the people injured were taken home by their parents that night and the next morning. Mr. Warner Buxton, the Student Government Association President states, "From 30 to 40 injured would be a better estimate."

As the highway patrol rushed from the scene of the crime, the "Co-conspirator" National Guardsmen rushed in along with the campus security guard to attend to the murdered, slaughtered or otherwise dying and and injured students. The security guards had been suppressed completely. In fact, several guards were allegedly told to clear the area and pushed aside physically, verbally or otherwise. What the third member or fourth member, (usually in troubled areas in the state, fish and game wardens, are summoned) the city police were during this period is open to question. Some observers say they were with the highway patrol while others say they remained on the edge of the campus, while still another group say they were present but did not participate directly.

It is alleged that Phillip L. Gibbs, was shot several times after he heard the shots of the highway patrolmen but could not get in the girls dormitory. It is further alleged that after he ran from the West wing entrance, he was shot several times but limped a few paces further, and was then shot several more times almost near the middle of the open space between the West wing and the opposing wing, where he received the critical wounds.

It is alleged that James Earl Green was shot opposite the West wing of Alexander Hall across the street on the side of Roberts Dining Hall. There are many small trees, bushes and other effects, and possible reports and investigations will determine how many shots were fired at him. However, there are several small holes in the brick, and several large holes in the brick, indicating that an excessive amount of force was used in any event. James was a part-time worker at a drive-in grocery store. He was on his way home through Jackson State College's Lynch Street route when he noticed the things occurring and stopped. He never made it home that night. He was not involved in the incidents according to creditable sources.

There is no evidence adduced so far that would substantiate a sniper fired, nor is there any evidence as to where the "alleged sniper fire" came from, in terms of direction.

It should be borne in mind that no tear gas was used and this was a massive crowd of students.

There are presently five investigation teams probing the death of the students. The Federal Bureau of Investigation in conducting an investigation; the State Highway Patrol is conducting an investigation; the city police are conducting an investigation, the Mayor's Bi-racial Committee which is composed of three whites and two black attorneys, is conducting an investigation as well as the students and their lawyers from the Lawyers' Committee for Civil Rights Under Law, in conjunction with 13 Howard University Law students.

A committee of active students on Jackson State's campus have organized "the Committee of Concerned Students. This committee in conjunction with the community has begun to move in the direction of a more positive relationship with its community and the many problems which confront it daily. Warner Buxton, the Chairman of the Committee and new president-elect of the Student Government Association of Jackson State College, along with Karl Griffin, Gene Young, Farrish Adams, Sylvia Gibson, Gregory Antoine and Chester Taylor represent the new breed of leadership emerging out of years of frustration at our colleges and universities.

The Committee of Concerned Students and other concerned community people have formulated a list of goals and objectives to which they are seeking redress. Their purpose in setting forth these recommendations, propositions. demands, or otherwise, is to halt the unwarranting murders of Jackson State College students, community people, and to protest the genocide and systematic repression of black people in Mississippi specifically and the Nation in general.

It is also their hope and desire that the persons responsible for the massive executions i.e., the state highway patrol, the city police, the state national guard, as well as private individuals, acting alone, and/or in concert with other officials or otherwise, will be brought to justice, and the rights of individuals will again prevail, over property rights.

HERE ARE THEIR ULTIMATE DEMANDS

(1) They are calling for the immediate relinquishment or surrender of the city's title to Lynch Street, from Eastview Street to Dalton Street to Jackson State College. It is the community's feelings that the thoroughfare (Lynch Street) going through the heart of Jackson State College campus should be re-routed so as to leave Jackson State College disorders to Jackson State College campus officials. They reason that in light of the long history of Lynch Street with regards to Jackson State College, it would be in the best interest of all parties concerned.

(2) They call for a grievance procedure with black citizen participation for the investigation of police abuse of members of the black community. For years they have watched police brutality, cold blooded murder and general harassment and intimidation of black people in Jackson as well as other parts of the state, by state, county and city law enforcement officers. After due discussion, investigations and deliberations we have come to the conclusion that there must be an effective element of "Community Control" over the activities of the police, including but not limited to, hiring, firing and promotions are the only ways of dealing with the problems of police and the department.

(3) They are calling for a state-wide grievance procedure to handle complaints against the highway patrol. They are also calling for the proportionate hiring of black highway patrolmen in relationship to the proportionate population of blacks in all 82 counties in which they serve.

(4) They are calling for the halt of the unilateral decisionmaking of M. M. Roberts, President of the State Board of Institutions of Higher Learning of the State of Mississippi. They question the grounds used in determining final grades for students who were forced to go home after school was closed. The administrative grades that have been or will be given this term raises questions of legality and workability in light of the recent decision of "the New York Court of Appeals" concerning "New York University" and the problems they created for their students with professional agencies. They are also demanding 50% black representation of that board, which does not presently reflect the thinking of all segments of the state community.

(5) They are calling for the immediate and unconditional firing of the "Colored Ellison (Big Red) Weathersby" from the city police department, and white racist "Lloyd (Goon) Jones" from the state highway patrol department.

(6) They are calling for the immediate reopening of Jackson State College, and a resuming of all activities thereon, including

the annual summer school program, because Mississippi blacks are in dire need of education for their betterment as well as the state's development.

(7) They are calling for equal hiring of blacks throughout the state on federal jobs, and a proportionate number of appointments in federal and state patronage positions. The fully understood need of community participation and administration on the county and state level as well as on the national level.

(8) They are calling for an equal allocation and distribution of federal and state funds to schools of higher learning, including but not limited to Jackson State College, Mississippi Valley State College and Alcorn College. They are very aware of last year's allotment, and the fact that these colleges have never been given a fair share of their tax paying monies.

(9) They are calling for a State Minority Commission Bureau or otherwise, to deal with the problems of black contractors. This commission would deal with the "Small Business Administration" and other interested federal and state agencies, in regards to getting finance for small businesses, black economic development, and state and federal procurement contracts. This agency would also deal with the problems of insuring and bonding of black contractors. It would also see whether federal regulations are being violated for construction contracts, with regards to black employment by white contractors.

(10) They are calling for the hiring of a proportionate number of black teachers in regards to the number of black students in every public school in the state. They are calling for the reinstatement of all black principals with all the powers, including salary, duties, and responsibility which they formerly had when they were principals in the "closed" black schools. They are very aware of the problems of integration and the unitary system, but demand a more realistic and workable solution to those problems.

(11) They are calling for the immediate suspension of the licenses of all television and radio stations in the State of Mississippi. Their grounds for suspension are that there are few if any black programs aired, and very few blacks are working in the stations. The few that are working are censored, and really cannot participate meaningfully in broadcasting without fear of their jobs. In light of the Federal Communication Act, policies and regulations, equal time has not been granted to the black community for them to air their views. They are also concerned about the abusive distortment of news as it relates to the black community.

(12) They are calling for the hiring of blacks in the fire department. They are aware of the lily-white fire department all over the state, and indeed the nation. They want a proportionate number of blacks employed in relation to the number of blacks in the county.

(13) They are calling for the appointment of federal judges, federal prosecutors, attorneys or otherwise for the State of Mississippi and the south in general. They reason, since there is 50% or more black people in the State of Mississippi, with not one federal judge, prosecutor, federal attorney or otherwise, the breakdown of justice in the first instance, shows its face there. Justice can only be had when whites as well as blacks respect "the rule of law." The rule of law can be administered by blacks as effectively as whites and surely knows no color.

(14) They are calling for the opening of all city recreation facilities across the state, including but not limited to city swimming pools, parks and other facilities. Since the rule of law should readily prevail, the Supreme Court of the United States has ruled on the unconstitutionality of the same, steps should be taken immediately to comply with the ruling.

(15) They are calling for a "general policy on the use of fire arms which would comport with the President's Commission on Law Enforcement and Administration of Justice." They strongly recommend the Task Force report on the use of fire arms. They know the state law enforcement policy on riot control, and demand that total compliance with the President's Task Force be adopted, including but not limited to Article III on page 189.

In order to effectuate and give force and impetus these demands, goals and objectives stated above, we are calling on all citizens, black and those few whites who are sincerely concerned to:

(1) Boycott all white merchants unless something is given to the contrary.

(2) City wide strike of all students, citizens, employees, on Friday, May 22, 1970, the day of the funeral of Brother Green.

(3) A state and nationwide day of mourning in our churches and homes on Sunday, May 24, 1970, for the black students massacre at Jackson State College, the victims of the Augusta, Georgia slaughter, and black repression in general across this nation. It is hoped that the issues of genocide and survival of black people will be given paramount consideration in churches, homes and other places of worship, with prayers from everyone concerned given.

(4) That all churches of Mississippi and the nation take a more positive position on issues that confront society today, i.e. social justice, war in Vietnam, funding of relevant OEO which attempts to address themselves to poor people problems, and the problems of true religious brotherhood.

(5) Picketing, boycotting and otherwise of all racist merchants and establishments who have not been given the seal of approval from the "Black Business League" and the Committee of Concerned Students and citizens. This should include picketing and boycotting but shall not in any way be limited to the above named tactics.

(6) Neither rent nor buy robes for graduation. If march, march in clothes which are common to your environment and that will show your real economic status.

(7) Support all black business and concerns in Jackson, Mississippi and the State. Giving them a chance to produce the kind of services they are giving or/are capable of giving.

CONCLUSION

It seems that the people of Jackson, Mississippi are not asking, but telling the city and state to change. They are giving the system an ultimatum. It further seems that they are still trying to work within the system. Even though many blacks are very very uptight about the violence perpetrated on their brothers and sisters across the state, they realize that they have not put together nor have they been able to sustain a concentrated drive toward total emancipation. However, it seems that many of them are saying, we're dying like flies anyway, so why not fight fire with fire. Whatever faction prevails, it seems that both are equally determined to obtain self-determination by any means necessary, within or without the system.

COPY OF TELEGRAM TO THE PRESIDENT, MAY 24, 1970

The PRESIDENT,
The White House,
Washington, D.C.

Mississippi Governor Williams' action in ordering removal of evidence from Jackson State College shooting scene, early Saturday. Contrary to earlier assurances, took away the last shreds of credibility from him and those responsible to him in connection with this case. That action and his reaction to those who have voiced concern over the killings make it imperative that you direct the Justice Department to empanel a special Federal Grand Jury to conduct an immediate full-scale investigation of the Jackson State incident.

The Williams administration has forfeited any claim that it is prepared to protect the rights or lives of black citizens in Mississippi. It is not enough for the attorney general to promise a departmental investigation. You have a constitutional obligation to act now to assure justice in the Jackson State case and to protect the lives and rights of black citizens in that area, using the authority accorded you under the Constitution and the laws of the United States.

EDMUND S. MUSKIE.

COPY OF TELEGRAM TO THE ATTORNEY GENERAL, JUNE 6, 1970

Hon. JOHN MITCHELL,
Attorney General, Department of Justice,
Washington, D.C.:

The violent killings of two young men at Jackson State College on May 15 provoked serious allegations of violations of civil rights and of misconduct by law enforcement agencies. On May 24 I recommended to the President that a special Federal grand jury be empaneled to determine the facts of this case.

As you know, Governor Williams of Mississippi made a television appearance on Thursday night in which he said an investigation of the shootings showed that the police acted in self-defense.

The Governor's presentation was not a sufficient answer to the serious questions which have been raised. Indeed it raises other questions as to the thoroughness and objectivity of the investigation to which he referred.

So long as the adequacy of the investigation remains in doubt, there will be a continuing controversy over the facts. The situation requires an investigation of a kind which is consistent with a commitment to equal justice under law.

The Governor's presentation was not such as to reassure those who seek such a commitment.

Any serious investigation of alleged criminal conduct requires a dispassionate, unbiased and thorough examination of the facts in accordance with appropriate judicial standards and procedures. This has not yet been done.

The events of the last few days add to the urgency of my recommendation to the President that a Federal grand jury be empaneled to determine the facts of this case.

EDMUND S. MUSKIE,
U.S. Senator.

COPY OF TELEGRAM SENT TO THE ATTORNEY GENERAL, JUNE 10, 1970

On two separate occasions, in telegrams to you and to the President, I have requested the empaneling of a special Federal grand jury to investigate the killings of two young men at Jackson State College on May 15. In view of the statement by Assistant Attorney General Leonard that there is not now "sufficient evidence" to lend credence to the reports of sniper fire, in view of the refusal of the Governor of Mississippi to cooperate with the Federal investigators, and in view of the refusal of the Mayor of Jackson to make public the report of his Bi-Racial Investigating Committee, the empanelment of a special grand jury is imperative. Only decisive action on the part of the Federal government can restore the confidence of the black community in equal justice and equal protection under the law. I urge you to act now to allay the fears and doubts that are destroying that confidence.

SENATOR CANNON A LEADING EXPONENT OF STRONG CRIME CONTROL

Mr. BIBLE. Mr. President, at a time when our Nation is confronted with crime and lawlessness of unprecedented magnitude, Congress is keenly aware of the need for strong, carefully constructed anticrime legislation. A leading exponent of firm legislation in this area is my colleague from Nevada (Mr. CANNON). His views on the crime problem and on the difficult role of law enforcement in what Thomas Jefferson termed the "execution of laws" are effectively set forth in his address on May 15 to the Las Vegas, Nev., lodge of the Fraternal Order of Police. I ask unanimous consent that Senator CANNON's remarks be printed in the RECORD.

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

ADDRESS BY SENATOR HOWARD W. CANNON BEFORE THE LAS VEGAS LODGE, FRATERNAL ORDER OF POLICE

Ladies and gentlemen, I am honored to be here today to join you in the commemoration of the National Police Officers Memorial Day established by President Kennedy some years ago.

As an honorary member of the Nevada Peace Officer's Association, as an old friend of yours, I feel very much at home here. So I am going to spare you any long speech about the growing problems of law enforcement. You all know the statistics. You've all read the FBI and other pertinent reports on the subject. We all know what's going on in the country today and we all know what we are going to have to do about it.

You police officers are going to have to go on playing your traditional role as the protectors not simply of our homes and our communities, but as the defenders of the rule of law against illegal actions of all kinds.

It is fitting that we should set aside this day commemorating those officers who have been killed in the line of duty. The tragic toll has risen all through the country. In 1968, 64 law enforcement officers were murdered by felons. Since 1960 over 475 police officers have been killed in action (1969 statistics will add to this figure).

In Nevada alone, since June of 1933 when Officer Arnie May of the Las Vegas police department was killed by a hoodlum, 8 other officers have died in the line of duty, most of them in recent years—Wilbur McGee and Robert Dula of the Las Vegas Police killed in 1955, Eddie Johnson and George A. Hart of the Clark County Sheriff's office killed in 1957, John McGuire of the State Highway Police killed in the early 1960s, William Fortye murdered in 1966, Ed Meagher and Paul de Weert, who died more recently, the latter shot from ambush.

It is high time to honor the memory of these police officers. And it is time to more than merely commemorate their deaths. It is time to remind ourselves and the people of this country what it was these men died *for*.

Law enforcement—law and order—are phrases that have become familiar enough these last few years. They have a nice ring to them. They lend themselves easily to emotional use. They are words that have come to have all sorts of meaning to all sorts of people. And that is a shame because their original meaning is very simple and very clear.

This nation is founded on the rule of law. Respect for the law is deeply engrained in the American consciousness—so much so that even in this age of dissent—we are continually concerned with questions involving the legality of that dissent—most of us are.

Most of us honor our laws and want them properly enforced. We want law . . . rules to live by . . . because we want order in our lives, peace and not violence in our cities and our towns. So we want our laws enforced. . . . And you, our police officers, have that responsibility.

There is nothing complicated about this need, this due process by which we live together. Law—and the order it is written to maintain—are vital to our continued existence. Where laws ends, said the English statesman William Pitt, there tyranny begins. And we have certainly had ample evidence of that sad truth in our lifetime. . . .

Thomas Jefferson, who is often quoted by some of our radical young people today as they challenge the laws by which we live, said that the *execution* of the laws is more important than the making of them. That was true when Jefferson said it. It is true today. The primary purpose of making a law is to have it executed or enforced. . . .

You, once again, have that responsibility. . . . And you have it at what is perhaps one of the most critical moments in our history.

For you are law-enforcement officers at the very moment in which our basic belief in the law is seriously being challenged from within.

That is what is happening and there can be no mistaking this revolutionary fact. The rule of law in America is being challenged by some Americans. The challenge is as simple as it is obvious—and as wrong. The essence of this challenge lie in the expression of the peculiar idea that the only laws we have to obey are those we agree with, or those laws we like, or those laws that work in our favor. All other laws are meaningless.

Well, in a nation of over 200 million individuals, each with a different, personal view of the world, with different life styles, different problems and different goals—the acceptance of the idea that we need to obey only those laws we like or only the laws it is convenient for us to obey—can lead only to the *end* of all our laws. . . . It can only lead to anarchy in the worst meaning of that word—a social structure without government or law and order. And yet that idea has been stated and is being seriously tested all over these United States today.

Many dissenters, knowingly or unknowingly, criticize justly, or unjustly, or seek to tear down the system or the establishment—by which they really mean the law, the institutions of the law, and the order they preserve and protect for all of us.

You law enforcement officers are those relatively few American delegated by all the rest of us to meet that challenge head on—to enforce the law even while it is being challenged. You take the full impact of that challenge . . . you take the shouts and the obscenities—you take the bricks and jeers—you take the threat—you take the daily risk for all of us facing what we must always remember are first and foremost only lawbreakers, whatever they might like to call themselves.

It is always a dangerous job. It is often a seemingly thankless job. You, not the press, or the morning after quarterbacks, face the lawbreakers. You, not those who make careers out of peddling law and order, or those who are making careers out of criticizing the police, you—put your lives on the line to uphold the laws that keep this country free. . . .

Little is said about this aspect of the service you perform for our constitutional democracy. Little is said of the tremendous restraint with which you work, day after day, night after night in situations that would impell even the average peaceful citizen to a murderous rage, if not to murder itself. But police restraint is not as interesting a phenomenon as police brutality, which we know is a rare exception, not the rule, in our law enforcement agencies today.

Events of the past few weeks, while they have led to a tragic violence in some few instances, have been marked more by police professionalism and restraint than by any other factor. The effectiveness of police techniques in dealing with potential violence has been demonstrated over and over again in recent months and that effectiveness will grow as your techniques are refined in the troubled weeks and months that lie ahead of us.

But new techniques are not enough to deal with the growing problem of lawlessness in the United States. Police departments all over the country need more training, more men, more equipment—in short, more money than can now be provided from available local tax funds.

Without going to the unnecessary extreme of establishing a national police force and surrendering one more local responsibility to the bureaucrats in Washington, we must find a way for the federal government to support your local needs.

The Senate has already taken steps in this direction. And because I am aware of your problems, and because I fully understand and appreciate your worth to all of us, I have done more than merely talk about law and order and the problems of law enforcement. I have worked and voted for every piece of legislation aimed at helping to solve the problems with which you have to work. . . .

During this session of Congress, I played a role in the major crime legislation enacted by Congress. I voted for S. 30, the Organized Crime Act; S. 2637, Controlled Dangerous Substances Act, a bill that imposes severe penalties against drug abusers; and S. 1861, the Corrupt Organization Act, which pertains to racketeering activity. I also voted for other legislative proposals that provide greater protections for private citizens. I have supported legislation in the areas of: Court reorganization, criminal law revisions, public defenders, sources of evidence, and the revision of Juvenile Codes.

During the last Congress, I was among the Senators actively pressing for the enactment of the Crime Control and Safe Streets Act of 1968. This crime bill channels Federal funds into the States for the purpose of fighting and controlling crime.

At present, I am a co-sponsor of S. 3171, a bill which would send these crime funds directly to communities experiencing the highest crime rates. If the bill is enacted, much of the red tape and other administrative problems will be greatly reduced, and communities will find it much easier to apply directly to Washington for these Federal crime funds.

Now, in years to come, I intend to go on working for more legislation not only to support our local law enforcement agencies, but also to put our courts back into the business of bringing arrested criminals to a speedy trial and punishment. For like you, like most Americans, I am dedicated to the principle of law . . . I am unreservedly for law, for order, and for law enforcement in Nevada, and throughout the United States . . .

In the years that lie ahead, I would like to see the rule of law once again firmly established for all of us. I would like to see dissenters come into the courts to challenge the laws with which they find fault. . . . I take no pleasure in seeing them there as lawbreakers, after the laws have been broken and the structure of the law weakened, not made stronger as it might be through their peaceful and their lawful dissent.

I expect to see that brought about. I know the rule of law will be maintained in this country. I know law and order will prevail.

You will see to that for all of us simply because that is your job, that is why you wear the shield or the star or the badge with which we have entrusted you. You will keep the peace. You will enforce the law. You will preserve law and order. And one day we will certainly look back on your service and say as Winston Churchill said of another small band of dedicated men, never in the field of human conflict was so much owed by so many to so few. . . .

In the meantime, I thank you on behalf of all the people of Nevada for your service. And I salute you with profound respect. . . .

Thank you.

$40 MILLION IN LOANS REQUESTED TO ASSIST SMALL COMMUNITIES IN FIGHTING POLLUTION

Mr. GOODELL. Mr. President, many Senators recently joined me in an appeal to the President that he release additional grant funds to assist small villages of 5,500 or less in development of their water and waste disposal systems.

The support of this appeal by Senators was most gratifying. On April 23 the Secretary of Agriculture announced that the Bureau of the Budget had authorized the use of the full $42 million for development and $4 million for planning that had been appropriated by Congress for fiscal year 1970. Two hundred fifty additional communities in the Nation will be assisted because of this action.

However, release of these grant funds was not accompanied by a provision for additional loan funds for these communities. Direct or insured loans are an essential component to their programs.

I have, therefore, written again to the President to request that authority for $40 million in direct and insured loans he released from budgetary reserve.

I urge Senators to join me in this new appeal to the President.

I ask unanimous consent that my letter to the President be printed in the RECORD.

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

U.S. SENATE,
Washington, D.C., May 20, 1970.

The PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: On March 16 I addressed an appeal to you for the release of additional grant funds appropriated by Congress for Fiscal Year 1970 for development of rural water and waste disposal facilities by small communities with populations of 5500 or less. As a result of this appeal, Secretary of Agriculture Clifford M. Hardin announced on April 23 that funds available for this program had been increased and that the Bureau of the Budget had authorized the use of the full $42 million for development and $4 million for planning that had been appropriated by Congress for Fiscal Year 1970.

I was very gratified by this action. By enabling the Farmers Home Administration to approve prior to June 30 an additional 250 rural community water and sewer system projects, we have moved another important step forward in reversing the dangerous deterioration of our environment.

However helpful the release of these grant funds has been, the effectiveness of the program cannot be fully realized until the Bureau of the Budget releases $40 million authorized for sewer and water loans. These loans are an essential component of the ability of the communities to fulfill their own financial obligations and to move ahead rapidly with their anti-pollution programs. With very few exceptions, they cannot do so without loans directly from or insured by the Federal Government.

On April 15, 1969, in House Document 91–100, you recommended the following with respect to the rural water and waste disposal program of the Farmers Home Administration for Fiscal Year 1970:

1. *Grants for planning and development:* Reduce to $28 million.

(Congress appropriated $42 million for development and $4 million for planning, and these funds have been made available.)

2. *Loans (direct and insured) for sewer and water:*

Direct Loans: Decrease the amount available for loans to public bodies from $74 million to $64 million.

(Congress appropriated $74 million; however, $10 million is presently held in budgetary reserve.)

Insured Loans: The above proposal to decrease direct loans contemplated "enactment of pending legislation which would increase insured sewer and water loans to public bodies from $110,000,000 to $355,000,000 for fiscal year 1970."

(The legislation was not enacted. Also, it was implicit in your April 15, 1969 communication that there would continue to be authority to insure at least $110 million in loans. However, the budget which you submitted early this year reflects that loan insurance authority has been reduced by $30 million.)

Your budget for Fiscal Year 1970 indicated that a proper ratio between grants and loans should be approximately 1 to 6; i.e., $24 million for development grants vis $144 million in loans ($64 million direct and $80 million insured.)

However, the increased allocation of $18 million for development grants had changed the grant/loan ratio for Fiscal Year 1970 to approximately 1 to 3.43; i.e., $42 million for development grants vis $144 million for loans.

To provide an additional $40 million in loans would bring the ratio to only 1 to 4.38; i.e., $42 million for development grants vis $184 million for loans ($74 million direct and $110 million insured.)

Indeed, the ratio you have proposed for Fiscal Year 1971 is 1 to 5.3; i.e., $20 million for development grants vis $126 million for loans ($40 million direct and $86 million insured.)

Mr. President, I strongly urge that the $10 million appropriated for direct loans be released from budgetary reserve, and that the Farmers Home Administration authority to insure sewer and water loans be restored to $110 million. Such action will permit 250 small communities throughout the Nation to proceed with fully financed programs before the end of Fiscal Year 1970.

The need for a favorable decision is most urgent. The Farmers Home Administration has on hand at this time more than 2,000 loan requests requiring approximately $480 million, and nearly 600 grant requests requiring $50 million. In addition the Agency has returned more than 3,500 loan requests and 2,400 grant requests because of insufficient funds. The communities are still in need of assistance; the applications returned would require approximately $700 million in loan funds and $300 million in grant funds.

I am assured that the Farmers Home Administration could easily administer a $400 million program annually to assist approximately 2,000 water and waste disposal projects. At this level of funding, approximately four years would be required to fund the applications now on hand and those that have been returned because of insufficient funds.

Respectfully yours,

CHARLES E. GOODELL.

THE 45TH ANNIVERSARY OF THE GENEVA PROTOCOL ON CHEMICAL AND BIOLOGICAL WARFARE—A TIME FOR U.S. RATIFICATION

Mr. KENNEDY. Mr. President, on June 17, 1925, representatives of the United States and 29 other nations meeting in Geneva signed a protocol designed to prohibit the use in war of asphyxiating, poisonous, or other gases, and bacteriological methods of warfare. Tomorrow, on its 45th anniversary, the Geneva protocol stands as a landmark in man's efforts to reduce the horrors and suffering of modern warfare. It is in fact the only existing agreement to effectively prohibit the use in war of weapons of battlefield value. If anything the significance of the protocol has increased over the years as the number of states party to it has grown to 85.

Ironically, the United States, the very country which initiated, drafted, and signed the protocol in 1925, has failed to ratify it. With the recent ratification by Japan, our country now has the unenviable distinction of being the only major industrial nation, the only nuclear power, and the only member of NATO that has not become a party to the Geneva protocol.

Seven months ago we were given cause to think that this sad state of affairs would soon be over. At the end of the first comprehensive review of U.S. chemical and biological warfare policy and programs in over 15 years, President Nixon announced his decisions last November 25. He said then that the administration will submit the Geneva protocol to the Senate for its advice and consent to ratification. Noting that the United States has long supported the principles and objectives of the protocol, the President added:

> We take this step toward formal ratification to reinforce our continuing advocacy of international constraints on the use of these weapons.

Nevertheless, 7 months have passed and no step has been taken toward formal ratification. Indeed, despite the President's statement last November, it appears that the administration now has no intention of submitting the protocol to the Senate in time for hearings this session.

It puzzles me why a 45-year-old treaty which had been carefully studied for 6 months by the executive branch prior to the President's announcement should require an additional 7 months and perhaps even another year of review within the administration. The lengthy delay in presenting the protocol to the Senate is all the more peculiar in light of the U.S. support for a resolution approved unanimously at the last United Nations General Assembly which "invites all States which have not yet done so to accede to or ratify the Geneva Protocol in the course of 1970 in commemoration of the 45th anniversary of its signing and the 25th anniversary of the United Nations." Clearly, unless the protocol is submitted promptly, we will fail to meet the timetable which we supported in the U.N.

There are many additional reasons

why the protocol should be submitted now to the Senate. Ratification hearings would provide an opportunity for the Senate to consider the entire range of policy issues in the U.S. chemical and biological warfare programs. At this moment we face the problem of removing substantial stockpiles of nerve and mustard gases from Okinawa to another Pacific location or to the continental United States. As the proposed amendments to the Foreign Military Sales Act indicate, there is considerable doubt within the Senate over the wisdom and necessity of maintaining such large stockpiles either in the Pacific or at home.

In view of the U.S. renunciation of the first use of chemical weapons, a policy which ratification of the protocol would turn into a legal commitment, the Senate should have an appropriate forum in which to review present and planned procurement, deployment, and concepts of use. We would also want to know whether official policy on chemical weapons has gone far enough, since it is not at all certain that nuclear powers need to maintain still other weapons of mass destruction such as chemical weapons.

While the President speaks of our continuing advocacy of placing constraints on the use of chemical weapons, we are all painfully aware that the United States has made heavy use of certain of these weapons in Southeast Asia. Tear gases and chemical herbicides have been used to inflict casualties on the enemy and deny him food. The administration somehow does not consider these activities to be chemical warfare and apparently intends to go on using these weapons even after we become a party to the Geneva Protocol. Most parties to the protocol, however, do consider both tear gas and herbicides to be banned. Surely the Senate will want to give careful consideration to these conflicting interpretations of the protocol's coverage as well as to other policy considerations, such as the effectiveness of our international position against the use of these weapons when contrasted with our activities in Vietnam.

The President announced several other decisions last November which he said "have been taken as an initiative toward peace." He renounced all use of biological weapons, confined the U.S. program to research on defensive measures only and told the Defense Department to dispose of its existing stocks of biological weapons. Later, on February 14, the same policy was extended to toxin weapons, which are the toxic products of living organisms. Nevertheless, despite the announcement, these decisions have not been implemented. Along with the continued failure to act on the protocol, there is no indication that biological stockpiles have been destroyed or that secret, offensive research has been discontinued. While there is no reason to question the eventual end of these programs, there would also seem to be no good reason for the lengthy delay in beginning to terminate the research and stockpiling operations.

In all, Mr. President, it is regrettable that the Geneva Protocol's anniversary must pass without our being able to recount a single positive step taken since last November in the field of chemical and biological warfare. With the continued passage of time, the initial beneficial impact of the President's decisions is bound to be overtaken by sheer bewilderment at home and abroad over the reasons for this delay.

ARGUMENT AGAINST THE SST

Mr. BROOKE. Mr. President, on June 9, 1970, the Washington Evening Star published an excellent article entitled "Weight of Argument Viewed as Against SST," written by James J. Kilpatrick.

I find Mr. Kilpatrick's analysis of the probable cost to the taxpayer most persuasive and ask unanimous consent that his column be printed in the RECORD.

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

WEIGHT OF ARGUMENT VIEWED AS AGAINST SST

(By James J. Kilpatrick)

The House of Representatives spent four hours a couple of weeks ago in one of its better efforts at debate. The question was whether to appropriate an additional $290 million toward development of the supersonic transport plane. Arguments on both sides were reasoned, persuasive and well-informed; but in the end, the wrong side won.

On the most significant roll call, the vote in effect, was 176–162 in favor of going ahead. Now the Senate will have its chance to call a halt to this costly and self-defeating venture.

The key questions fall into three areas. Some of them have to do with the burden on American taxpayers; others deal with the kind of world we want to live in; still others go more narrowly to the plane itself and to the practical problems of its profitable operation. In each of these areas, in my own view, the weight of the argument goes solidly against the SST.

It is an elementary proposition, though some of the big spenders on Capitol Hill seem never to perceive it, that the resources of the federal budget are not unlimited. The paper surpluses once foreseen for this year have turned into real deficits. Demands upon the Congress—necessary and legitimate demands—keep rising all the time. If ever a time were at hand for the sober reconsideration of spending priorities. that time is now.

If a weighing of priorities were confined solely to transportation, leaving aside such domestic problem areas as law and order, pollution control and consumer protection, the $290 million could be spent in far better ways.

The overriding need in transportation is not to get a few travelers to Paris three hours sooner; it is to get millions of our people in and out of our cities.

During House debate, proponents of the SST made much of the argument that abandonment of the venture would result in kissing $768 million goodby. It is a formidable sum. But if the investment is foolish, it cannot be made wise by throwing good money after bad.

The taxpayers are being called on to put up 90 percent of development costs, now estimated at $1.4 billion before production could begin eight years hence. If the taxpayers also have to foot production costs—a grim likelihood—that sum easily could double before the purchasing airlines sold their first tickets.

It is too much for a plane of such limited value, serving so small a segment of the public. And the distorted priorities are only part of the picture. The SST promises to be the noisiest aircraft ever flown. At supersonic speeds, it will lay down a destructive path of sonic booms 50 miles wide. Waiting for takeoff, it will create an ear-shattering racket that some experts have equated with the sideline noise of 50 ordinary jets.

This is progress? It is progress to the rear. And this is the point the Senate will want most carefuly to debate. If the SST represented a genuine breakthrough in kind, rather than merely an advancement in degree, probably we would have to go ahead. If this were a matter of steam against sail, or locomotives as opposed to horses, or even jets as opposed to propeller-driven aircraft, the prospect of a genuine "new age" might compel a different decision.

None of this applies to the SST. The plane offers greater speed. That is all. No other advantage is claimed. It will not be as comfortable as the new 747s now entering the international market. The SST will cost more to begin with; it will carry fewer passengers for shorter distances; it will demand favored treatment in traffic patterns wherever it is permitted to land.

No wonder the airline industry itself is lukewarm! No rush has deveolped to place firm orders for the Anglo-French Concorde. The 122 reported "reservations" for the SST are highy tentative, and the prospect actually of selling 500 of these planes, at $60 million each, is pie in the sky.

One day, perhaps, when technology conquers sideline noise and sonic boom, the SST's hour may come. Seeing a profit, the industry will ante up its own capital and build the plane. But that hour is not yet.

It is rather time to spend what public funds we can afford in solving a few problems here on earth.

THE NEW WELFARE STATE

Mr. PROXMIRE. Mr. President, a new concept in political economy has recently emerged, which, for want of a better name, may be labeled "The New Welfare State." Unlike the old welfare state, which was concerned with the poor, the elderly, and the disadvantaged, the new welfare state reserves its favors for the rich and the powerful. The current attempt by the Government to bail out the Penn Central Railroad from its own incompetence is an excellent illustration of the new welfare state in action.

Over the last 30 years, conservative thinkers have deplored the rise of the welfare state. They have argued that too much Government welfare may sap a nation's moral fiber. They may have a point—particularly when the recipient of the welfare is a large corporation such as Penn Central.

The classical conditions for a free enterprise economy are free entry and free exit. New firms are free to compete by offering new and better services. Old firms are free to expire if they are unable to meet the test of the market.

Apparently we have now moved well beyond these traditional concepts. Large corporations must not be allowed to fail because their failure might adversely affect our national defense. Carried to its logical conclusion, the Penn Central rescue operation is tantamount to a de facto repeal of our bankruptcy laws for large corporations.

One cannot help wondering how different things would be today if the principles of the new welfare state had been in operation over the last few years. Our

streets and highways would be graced by the presence of the Edsel, the Kaiser, and the Hudson—perhaps even the Hupmobile. Everyone knows the vital role which the automotive industry plays in our national defense. Surely the new welfare state would not have let these fine divisions or companies expire merely because of managerial mistakes.

As ridiculous as these examples sound, they are not any more absurd than our present policy in the Penn Central case. Consider, for example, the legal justification for using the Defense Production Act to guarantee up to $200 million in loans to Penn Central.

Assistant Attorney General William H. Rehnquist, who prepared the justification, was apparently somewhat troubled about stretching the law, for he observed in a memo dated June 4:

> A railroad corporation does not ordinarily terminate operations when it is in financial difficulties; instead, it may initiate or be forced into a reorganization proceeding under section 77 of the Bankruptcy Act, 11 U.S.C. 205, and thereafter be operated by a court-appointed trustee. Consequently, the argument runs, insolvency is most unlikely to lead immediately to a cessation or to any serious curtailment of services.

Mr. Rehnquist has presented such a convincing argument for not using the Defense Production Act to rescue Penn Central that the rest of his memo appears to be straining at gnats in an effort to find a loophole.

For example, he goes on to say:

> We do not think that the Defense Production Act requires that a guaranteeing agency establish to a certainty the deleterious consequences to the national defense of a failure to make a guarantee. Curtailment of operations is, in the long run at least, a possible result of financial difficulties. Furthermore, apart from the possibilities of insolvency and reorganization, there appears to us to be a reasonable basis for finding that there is a relationship between the financial stability of a railroad company and the quality of services it is able to offer.

Mr. Rehnquist has thus offered only two reasons for using the Defense Production Act to bail out Penn Central: First, in the long run, service might be curtailed; and second, in the short run, the quality of service might be impaired.

There is no basis for either of these reasons. Some service might be curtailed in the long run because of the company's financial difficulties. But it is difficult to see what impact this would have upon national defense. Surely the ICC would not permit the court appointed receivers or the successor management to abandon routes which were of vital importance to the national defense.

It is also difficult to see how the quality of service can be anymore impaired than it is now if the firm is allowed to lapse into bankruptcy. An article published recently in the Wall Street Journal of June 12, 1970, describes the managerial bickering, computer foulups, delayed shipments, and decaying services which led to the present plight of the company. The Journal article concludes that the troubles of the company are due to the "poor and continuously deteriorating service the railroad has provided its customers."

Surely a court-appointed group of receivers could do no worse than the incumbent management and might conceivably do better. Many railroads today owe their existence to a timely bankruptcy which permitted the courts to weed out inefficient management and appoint more competent overseers. Bankruptcy and receivership play a vital role in our economy. We should not frustrate the healthy processes of reorganization in a frantic attempt to preserve an ailing and unviable company.

Many railroads operated in a state of bankruptcy throughout World War II and contributed substantially to our national defense. There is no reason to suppose that the same would not hold true for Penn Central. At least, Congress has not yet been presented with a shred of evidence to the contrary.

Moreover, Barron's Weekly of June 15, 1970, points out that at least six additional railroads could qualify for similar treatment if the Penn Central bailout is approved. Why must the American taxpayer foot the bill for corporate mismanagement?

Mr. President, Barron's Weekly, which is hardly a citadel of radical thought, concludes that Federal subsidies for railroads are worse than bankruptcy. I wholeheartedly agree. I ask unanimous consent that the article dated June 15, be printed in the RECORD, following my remarks. I also ask unanimous consent to have printed in the RECORD the article from the June 12 Wall Street Journal which details the mismanagement of the Penn Central Co.

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

HOW DECAYING SERVICE, BICKERING OFFICIALS LED TO PENN CENTRAL CRISIS—SHIPPERS SWITCH TO TRUCKS TO END DELAYS; SAUNDERS' OUSTER HAILED IN INDUSTRY—A PALL OVER OTHER MERGERS

The biggest and most heralded merger in railroad history has turned into a disaster.

When the Pennsylvania and New York Central lines combined two and a half years ago, the move was widely hailed as a step toward greater efficiency, reduced costs and improved freight and passenger service. Penn Central, the behemoth born of this marriage, was also seen as a base from which to build a huge and thriving conglomerate.

But things haven't worked out that way. Penn Central, the nation's largest railroad, with assets of close to $7 billion, today is on the verge of collapse. Shippers and passengers are besieging the road with complaints. Anxious creditors are lining up, and most of the company's cash sources have dried up. Indeed, it's clear that only a massive infusion of hundreds of millions of dollars in bank loans—guaranteed by the Federal Government—can keep the railroad out of bankruptcy. (Plans for Federal help apparently are hitting some snags in Congress. See story on page 2.)

Penn Central's woes have been apparent for months, but they came to a head earlier this week when an obviously disgruntled group of outside directors assumed control of management. The directors summarily fired three of the top four officers—including Chairman Stuart T. Saunders, architect of the merger—and named Paul A. Gorman chief executive officer. An admitted novice in the railroad business, Mr. Gorman came to Penn Central only six months ago from the presidency of Western Electric Co.

The crisis at Penn Central has already cast a pall over other large rail mergers—such as the planned combination of the Norfolk & Western and Chesapeake & Ohio roads—still waiting for Interstate Commerce Commission approval. Critics are saying, rightly or wrongly, that big rail mergers won't work. One probable result of Penn Central's woes: Even further Government control of an already highly regulated industry.

WHAT HAPPENED

Where did Penn Central go wrong?

Fundamentally, its problems stem from the poor and continuously deteriorating service the railroad has provided its customers. That's the firm conclusion drawn from interviews with other railroad officials, industry analysts, shippers, regulatory officials and other sources. Their feelings range from disappointment to anger and bitterness over the merger's disastrous outcome.

According to shippers, Penn Central's service failures include every type of complaint ever registered, and in greater numbers than ever encountered on any other line. The list includes inability to furnish cars to shippers in sufficient numbers, lengthy delays, chronic jam-ups at terminals and connecting points with other railroads, misdirected cars and cars lost for weeks or months at a time. Major shippers even report examples of loaded cars leaving their plants only to return some weeks later still fully loaded.

"Penn Central's illness has been diagnosed to me as a massive case of constipation," says the president of one big railroad. "You can feed a lot of cars into their system, but nothing ever seems to come out."

H. J. Peters, director of traffic for Carling Brewing Co. of Cleveland describes the service improvement that was supposed to result from the merger as a "daydream." Penn Central's service today is the poorest he has seen in 35 years in the traffic management business, he asserts.

In hearings before the ICC, Mr. Peters described one recent attempt to ship beer from a Natick, Mass., brewery to a New York distributor: "Penn Central assigned three cars, figuring that each car could probably handle two shipments a month. But service was so bad, with round trips running three to five weeks, that the rail shipments had to be supplemented with truck shipments—and finally discontinued altogether. The distributor either had stale beer to sell or no beer at all.

Like Carling, many other shippers are diverting substantial tonnage from Penn Central to truckers. "If I can avoid using Penn Central under any circumstances, I am going to do it," growls Charles Sturgeon, general traffic manager of B. F. Goodrich Co. But because the railroad is so big and dominates transportation in much of the populous Northeast, thousands of customers have little choice but to suffer the line's bad service.

Penn Central's most publicized failings, however, have been in its passenger service. The line transports some 277,000 commuters daily in the New York, Philadelphia and Boston areas, using cars that often are 50 to 60 years old. Its passenger operations, including longhaul business, rolled up a $100 million deficit last year.

Public criticism is frequent and vocal. Just last week, Pennsylvania Public Utility Commissioner James McGirr charged Penn Central with "a pattern of neglect bordering on contempt for the public," and he cited filthy trains, decaying stations and poor maintenance. Penn Cetral concedes its passenger service has gone downhill but says that the heavy deficits prevent it from keeping the trains in good shape.

Pinpointing the reasons for the collapse of the Penn Central service isn't easy. Part of the trouble stems from plain bad luck. The extent of inflation and tight money conditions in recent months hadn't been fully an-

ticipated at the time of the merger in February 1968, Mr Saunders told shareholders last month. Inflation alone, he reported, cost the company $100 million in 1969—$74 million in added wages and the rest in more costly supplies and higher interest rates.

Then, too, the 1969-70 winter was the worst in a century; this caused delays, breakdowns and substantially higher operating costs. Also, strikes in major industries cut into Penn Central's freight volume, as has the general economic slowdown. Shipments of autos, for example, are well below 1969 levels.

MANAGEMENT ASSAILED

Nevertheless, critics dump a lot of the blame for the company's predicament into the laps of Mr. Saunders and other top managers.

"The Penn Central board's action in ousting Mr. Saunders could be most important development for the industry since the diesel engine," says one railroad executive, expressing a view shared by many.

A major obstacle to good management, insiders say, has been bickering between executive factions from the former Central and Pennsy lines. One former executive of the merged company recalls with disgust a meeting where there was a debate over whether to call the last car on a freight train a "caboose" (the Central's name) or a "cabin car" (the Pennsy's term). There were also arguments over such matters as the gauge (width) of track that should be laid, the former official recalls. Yet there was only a quarter-inch difference between the gauges of the two lines—an amount that has no effect on train operation.

* * * * *

TROUBLE AT THE TOP

Even at the top, differences persisted between Mr. Saunders, who had been chairman of the Pennsy, and Alfred E. Perlman, former president of the Central and Penn Central's vice chairman until his dismissal this week. Mr. Saunders is a fast-talking, fast-acting Harvard Law graduate known to shoot from the hip. By contrast, Mr. Perlman, an engineering graduate of MIT, talks slowly and calmly and usually has a gentle disposition. Both men, however, have well-known tempers.

Insiders say Mr. Perlman was never enthusiastic about the merger—a feeling shared by his management team at the Central. ("This wasn't a merger—it was a take-over," Mr. Perlman conceded to friends after the two roads joined.) As a result, many topflight Central executives—including some key people from a marketing department considered to be one of the best in the industry—were lost to other roads. And if they didn't quit, they were often relegated to positions where they didn't get responsibility commensurate with ability, knowledgeable observers say.

Pennsy and Central officials had years to prepare for the merger. It was first proposed in 1957, though the merger application wasn't filed with the ICC until March 1962. Yet it's widely believed in the railroad industry that the two lines were poorly prepared when the merger finally came.

Frequently cited as an example of poor planning is the incompatibility of the Pennsy and Central computer systems. "There was no excuse for not designing the systems so they eventually could be meshed," said one industry executive. "The result has been total chaos in Penn Central's internal communications." When the computers failed to function properly, rolling stock and other badly needed equipment couldn't be located. At one time, an insider says, the merged company didn't even know its cash position.

UNHAPPY DIRECTORS

Some regulatory officials and financial analysts make it clear they distrust statements made by Penn Central officials. For example, company officers had prepared financial plans indicating a first-quarter loss from railroad operations of about $50 million; in fact, the deficit was much larger. "Financial people don't know if Penn Central is deliberately deceiving them, or whether the company just doesn't know what it's doing," one observer says.

Some Penn Central directors feel this lack of credibility, whether or not it's intentional, has extended even into the board room. According to knowledgeable sources, some of the outside directors felt they had been "hoodwinked" by management after they picked up highly important financial information from a company debenture prospectus—information that hadn't been given them as directors.

"The revelations (from the prospectus) were shocking," one source has said, asserting that they led directly to the ouster of Messrs. Saunders and Perlman along with David C. Bevan, chief financial officer. One nugget of information spelled out in the prospectus was that Penn Central had $41.3 million more in commercial paper maturing than it was able to reissue. In addition, some directors were shocked to read in the prospectus that first-quarter losses from railroad operations totaled $101.6 million. Penn Central had earlier announced, and apparently had informed directors, that the quarter's railroad deficit was only $62.7 million. The announcement of the lower figure did not mention that it included income from securities and real estate held by Penn Central's railroad subsidiary.

END OF THE LINE?—U.S. SUBSIDY OF RAILROADS IS WORSE THAN BANKRUPTCY

"Management's recent presentation at the New York Society of Security Analysts was generally disappointing. While many of the known profit potentials were discussed, there was an abundance of vague, unsure or contradictory answers. It was stated that 'nonrail' earnings are expected to advance in the second half at a rate comparable with the first half, but it appears that the swing in 'rail' earnings may be largely offsetting. . . . At 19 times estimated 1968 earnings, which are largely tax free and of debatable quality, the shares appear to be somewhat overpriced . . . Aggressive portfolios may advantageously switch funds . . ."

Dated September 1968, when the shares of Penn Central Co. were trading at $67, the recommendations to sell surety rates among the more cogent pieces of advice to be found in the financial community a year or two ago. To judge by a spate of market letters and institutional reports, most of Wall Street, contrariwise, clung to optimism almost all the way down the line. Eighteen months ago a prestigious firm known for in-depth analysis, after a searching look, concluded that "Penn Central, the largest railroad and one of the largest real estate companies in the world, is a giant learning to walk. This year (blank) expects it to struggle to its feet, and by 1970 to be moving forward. (Blank) recommends accumulation for investment accounts at current levels (60)." This past January a gentleman whom The New York Times described as "that anomaly of anomalies, an outspoken Philadelphia financier," came out full throttle for Penn Central (then 29). "I don't know of any other stock," he said for posterity, "that could go to five times what it is selling at now."

Everyone, as the saying goes, makes mistakes. Regarding the Penn Central, moreover, bad judgment, like bad news, seems to travel fast. After a series of hasty meetings between top management and federal officials, Washington last week announced plans to provide, through loan guaranties, up to $200 million of new financing to the hard-pressed road. Thereby the Nixon Administration hopes to avert what it evidently views as a potential nationwide, rather than merely corporate, disaster. Whether help will arrive on time remains to be seen: to propose is not automatically to dispose. Whatever the outcome, the government is on the wrong track. By rushing to the rescue, it willy-nilly tends to perpetuate a board of directors which has amply demonstrated a lack of capacity. It sets a dangerous precedent: what's good for Penn Central, after all, is equally good for the other Class I carriers (not to mention airlines) reputed in equally bad shape. Finally, by softening the penalty for failure and cushioning commercial risk, the White House weakens its own campaign to discourage inflationary excesses and restore a dash of prudence to the business scene. Sooner or later Wall Street cuts its losses; Washington lets them run.

Neither nerve center, we venture to suggest, ever dreamt that this huge undertaking would run downhill so far and so fast. In the works for more than four years, the merger of the New York Central and Pennsylvania Railroad, finally approved by the Interstate Commerce Commission in April, 1966, was hailed on all sides as a major breakthrough in transportation and federal regulation alike, and the streamlined shape of things to come.

The combined carriers rejoiced in revenues upwards of $1.5 billion and earnings of $75 million per year (which, so long-range estimates of merger-related savings seemed to suggest, one day might easily double). In addition, the company boasted diversified and lucrative holdings in other areas, notably pipelines and real estate. Its political connections—no minor matter in a regulated industry—looked equally strategic. Penn Central, according to one Congressman, "is a Republican railroad" that has been heavily involved in state politics for years. On the national scene, its former chairman rated high with the Johnson Administration, which, in several prestigious advisory posts, he served long and well.

How could such a well-endowed enterprise fall on evil days? In its 1969 annual report, the company, in seeking to explain last year's dismal showing (a net loss of over $120 million, and omission of the quarterly dividend on the common stock), offered seven reasons: "the impact of inflation, delay in securing freight rate increases, a slowdown in the economy, passenger deficit and service problems, merger start-up costs, abnormal weather conditions, strikes and threats of strikes." The explanation, as far as it goes, rings true. However, management inevitably must share the blame. Despite the length of time it took to consummate, the merger evidently found both parties less-than-wholly prepared. Those famous incompatible computers have been cited time and again. Other little headaches popped up, like differing cab signals, separate yards in various places, and former rivals who found they couldn't work together. One way or another, both passenger and freight service suffered.

Even on a massive scale, such troubles eventually can be overcome; indeed, signs abound that the Penn Central lately was making progress toward this end. Then it ran short of cash. The railroad never had been overly flush: the pre-merger agreement, for the length of time it remained in effect, placed a lid on borrowing. At the 1966-year-end (counting obligations due within 12 months), Penn Central had net current assets of less than $30 million. By January 1, 1970, its working capital deficit had soared to $200 million. Nonetheless, until last fall the company continued to pay over $50 million annually in dividends on the common stock, while investing tens of additional millions in non-railroad subsidiaries.

Two months ago, in connection with a proposed $100 million sale of debentures by one of the latter, the full extent of the parent concern's plight was disclosed. The offer subsequently was withdrawn. Last week, amidst general dismay, the chief operating officers

resigned and the Nixon Administration made a hurried proffer of financial aid, a move which by Friday had stirred considerable opposition, politically inspired and otherwise.

The critics, we submit, have a powerful case. The appeal to national defense (under which Penn Central will get immediate relief) is specious; bankrupt or not, many railroads operated throughout World War II, and several are running that way today. It sets a bad precedent: a number of other roads (estimates range from two to six) might have a similar claim on the taxpayers' funds. Finally, what the Administration seeks is contrary to sound public policy, a point voiced most forcefully, believe it or not, by a one-time Johnson Administration official. Since Penn Central's security holders "have allowed that property to be mismanaged," averred Sheffer Lang, former Federal Railroad Administrator, "they deserve to be wiped out."

Twelve years ago, when Washington was getting ready to succor the troubled New York, New Haven & Hartford, we observed: "The wisdom of this legislation is open to serious doubt. Unless it is coupled with fundamental changes in operations and policies, new capital, whether public or private, is apt to go the way of the old. Sooner or later, in short, most deficit-ridden enterprises must face a day of reckoning. Bankruptcy is an ugly word and an ugly fate. Nonetheless, in a competitive profit-and-loss economy, it constitutes the most effective—as well as the least costly—means of ensuring that the fittest survive." We can only say the same thing now.

BABE RUTH BASEBALL

Mr. HART. Mr. President, today I have a speech to make that will not excite the world but is nevertheless a delight to its author.

This morning, the Senator from New Jersey (Mr. CASE) and I jointly presided at a breakfast honoring Babe Ruth Baseball, a national organized sports program for youngsters between 12 and 16.

Every Senator, I am sure, will envy me the opportunity to make some admiring remarks about baseball and the youngsters who play it.

Certainly I am secure in the knowledge that these remarks will draw no protesters to my door, will generate no angry phone calls or outraged letters.

How many such issues do we have left today?

Most of us can remember when an officeholder could unhesitatingly express admiration for higher education, industrial growth, and DDT. Now the prudent political lecturer finds all sorts of qualifications and caveats creeping into his text.

But baseball remains happily immune from serious criticism. Social faiths have toppled one after the other, but baseball remains solid and tranquil.

So while the unqualifiedly admiring tone of these remarks may not be a tribute to the courage of the speaker, they can certainly be read as a gage of the popularity that baseball enjoys in this country.

In these days, it is a relief for any parent to hear a departing son call out that he is on his way to play baseball.

Mothers who in earlier days might have been nervous about the language that stolen base disputes sometimes tend to generate, now find that sandlot cussing is morally far preferable to what is showing at the local movie house.

And an association with baseball bats is generally recognized as far more healthy than a proximity to other types of hand-carried clubs.

So Babe Ruth Baseball is doing a good service. And we are all happy to endorse it.

I ask unanimous consent that the text of a pamphlet on Babe Ruth Baseball be printed at this point in my remarks.

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

BABE RUTH BASEBALL—A BASEBALL PROGRAM FOR TEENAGE YOUNG MEN: ONE PROGRAM, TWO DIVISIONS—AGES 13–14–15 AND 16–17–18

This pamphlet has been prepared by Babe Ruth Baseball's International Headquarters to acquaint parents and others interested in the program with facts and information about the world's largest teenage regulation baseball activity.

HISTORY

Babe Ruth Baseball is a non-profit, tax-exempt, educational organization which has been in operation since 1951 when the first league was founded in Hamilton Township, a suburb of Trenton, N.J., to provide wholesome amateur baseball for 13, 14 and 15-year-old boys.

Recognizing the need for a similar program in the 16, 17 and 18-year-old age group, the Babe Ruth Baseball International Board, in 1966, authorized the formation of an older division. As in the case of the 13–15 program, the 16–18 division was an immediate success.

Almost 250,000 young men are serviced annually by Babe Ruth Baseball's two-division program, the largest regulation teenage baseball activity in the world. These young men develop their skills using standard-sized diamonds while playing under basic rules of organized baseball.

Babe Ruth Baseball operates in all 50 states, in Canada, Puerto Rico, Europe, Guam, Mexico and Asia.

The history of Babe Ruth Baseball is one of steady growth, with many new leagues and teams registering each year enabling young men the world over to experience the thrills of organized competition in a program endorsed by government leaders, clergymen, educators, recreation superintendents and high school and college coaches.

GOALS AND PRINCIPLES

Promoting what is for the good of youth has been and continues to be the guiding principle of the Babe Ruth Baseball program. The teaching of baseball skills, as well as developing physical fitness and mental improvement are all inherent qualities of Babe Ruth play. Participants in the program are also taught basic ideals of good sportsmanship and fair play.

Babe Ruth Baseball is dedicated to developing in its participants a genuine respect for accepted traditions of sportsmanship, firm moral foundations and a thorough understanding of the democratic and competitive spirit so that they may grow into better citizens of the world.

Babe Ruth Baseball provides a preventive force to juvenile delinquency through adult organized and supervised leagues which fill recreational voids for young men who are at a particularly impressionable stage of adolescent development.

DEMOCRATIC ORGANIZATION

The International Board of Babe Ruth Baseball, a 33-member policy-making body, is composed of volunteers from all walks of life and represents the combined thinking of Babe Ruth Baseball adult officials at all levels of administration.

Each state, province or territory in the 13–15 division is operated by an elected State Director. Eight Regional Directors oversee groups of States. In the 16–18 division, State and Section Commissioners, appointed by International Headquarters, follow similar duties. Regional Directors and Section Commissioners also serve on the International Board.

In all cases, the administration and operation of leagues, states, regions and sections comes under the general direction and guidance of International Headquarters and policy set forth by the International Board.

LEAGUE MAKEUP

The strength of Babe Ruth Baseball lies in its quality operation and administration. The rules and regulations of the program are primarily based on continuous surveys of its officials and affiliated leagues.

Each Babe Ruth league chartered by the "global" Headquarters is an organization with authority to administer its own program. However, this must be done within the framework of the rules and regulations and the guidance of experienced Babe Ruth Baseball officials.

Groups affiliated with Babe Ruth Baseball form the foundation of the program. All leagues must meet simple requirements necessary to obtain a charter. This document is issued by Babe Ruth Headquarters and can be renewed annually.

BASIC RULES

Babe Ruth Baseball conducts its competition on a league and tournament season under a minimum of rules:

1. In the 13-15 division, all players must be at least 13-year-old and may not have reached age 16 by August 1 of the year in which playing. In the 16-18 division, a young man must be at least 16-years-old and may not have reached age 19 by August 1 of the year in which participating.

2. Regulation games in both divisions are seven innings.

3. Leagues may be composed of not less than four teams and not more than eight teams. However, leagues may have more than eight teams provided the league is divided into divisions of not less than four nor more than eight teams per division.

4. Tournament play is conducted between tournament teams, selected from leagues and divisions of eight teams or less and can lead through state, regional or sectional play to the annual international tournaments—the World Series for the 13-15 division and the Tournament of Champions for the 16-18 division.

5. All Babe Ruth Baseball games are conducted on regulation diamonds.

TOURNAMENT TRAIL

The biggest point of the Babe Ruth Baseball program is its tournament competition. Tournament teams from each league are eligible to enter in district competition with winners there moving along the various trials to the international championship tournament—the World Series and Tournament of Champions.

The World Series is played among eight regional champions and a host team representing the Babe Ruth League of the community in which the World Series is staged.

Teams representing all sections plus host and invitational teams, compose the field for the Tournament of Champions, which was first held in 1968.

Major expenses of the World Series and Tournament of Champions, such as travel allowances, housing and feeding are borne by International Babe Ruth Baseball.

While playing in the two international championships, the young men are housed under the very successful Foster Parent plan. They also enjoy visits to points of historical and educational interest and engage in other wholesome activities. Letters from parents attest to the fine planning which goes into the annual season-ending classics and all teams have always expressed an eager desire to renew their World Series and Tournament of Champions experiences.

WRAP-UP

Above all, the two-division Babe Ruth Baseball program is of, by and for young men. In adopting rules, in establishing standards and in all planning, the primary consideration of this organization at all levels is to provide what is best for its participants. Before Babe Ruth Baseball was founded these young men were the "orphans" of the organized baseball world. Today, these groups are participating—in ever-increasing numbers—in a program hailed as the finest ever established.

Babe Ruth Baseball's International Headquarters offers its affiliates many aids and services, such as instructional movies, operational kits, fund-raising ideas, insurance programs and many, many more.

Anyone vitally interested in youth development is strongly urged to take an active volunteer part in Babe Ruth Baseball.

Further information, write: Office of the President, International Babe Ruth Headquarters, 524½ Hamilton Avenue, Trenton, New Jersey 08609. Telephone (609) 695-1434.

"The Babe and the Boys"—16mm color and sound motion picture about Babe Ruth Baseball featuring Babe Ruth—The Man; Babe Ruth Baseball "grads" in Major Leagues; Babe Ruth Baseball's international championships.

For free showing, write: International Babe Ruth Headquarters, Trenton, New Jersey 08609. This movie was produced through the cooperation of Investors Diversified Services, Minneapolis, Minn.

THE SLOVAK WORLD CONGRESS

Mr. ALLOTT. Mr. President, this Friday, representatives of Slovak organizations from all parts of the free world will gather in New York to organize the Slovak World Congress. This congress will include the Slovak League of America and the Slovak National Association of America.

According to Joseph C. Trubinsky, a spokesman for the organizational committee of the Slovak World Congress, the objectives of the congress are threefold:

First. To assist the Slovak people behind the Iron Curtain in regaining their freedom and independence and democracy.

Second. To promote civic organizations and patriotic activities among all Slovaks in their adopted free nations.

Third. To assist the continuing free world struggle against the communism which, in its Soviet version, has caused all Slovak people misery.

Mr. President, I applaud the men and women who are making the effort to organize to achieve such goals. Such efforts reflect the patriotism and dedication to freedom that has enabled all Slovak peoples in the free world to become valued citizens of their adopted lands.

These people have seen the grim nightmare of tyranny become a reality. They understand the fragility of freedom, and the serious evil of our enemies.

The constructive dedication of the Slovak people everywhere is proof of the fact that totalitarian force can enslave a nation, but it cannot break the spirit of a great people.

I wish every success to such efforts and welcome those involved to the proud ranks of those devoted to defending freedom wherever it is threatened.

SEX DISCRIMINATION GUIDELINES WEAK, ENFORCEMENT PROSPECTS WEAKER

Mr. KENNEDY. Mr. President, last week the Department of Labor released guidelines, pursuant to two Executive orders, prohibiting discrimination by Government contractors. These guidelines on sex discrimination have been long awaited. In comparison with the original guidelines proposed in January 1969, however, they appear to have been—ironically—emasculated.

Executive Order 11246, promulgated in 1965, prohibited discrimination because of race, creed, color, or national origin in all phases of employment by contractors doing business with the Federal Government. In 1967 the order was amended specifically to include sex discrimination, but it took over a year and a half for the Labor Department—the responsible agency under the Executive order—even to propose guidelines for enforcement of the Federal law. Now, over a year later, final guidelines have emerged.

It is easy to see, and statistics conclusively prove, that women are the victims of widespread discrimination. In both blue-collar and white-collar jobs, the figures show that women are discriminated against in hiring, training, salaries, fringe benefits, and promotion. I ask unanimous consent to have printed in the RECORD at the end of my statement tables showing relevant data on female employment and income.

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

(See exhibit 1.)

Mr. KENNEDY. Mr. President, I have compared the guidelines proposed in 1969 with those issued last week and have concluded that the best one can say about the new guidelines is that they have at last been issued. They are weak in many respects; let me just outline a few.

The proposed guidelines emphasize that women workers should be sought for part-time work. The new guidelines ignore this area completely. Since women with young children may only be able to work part time—for example, when the children are in school—part-time employment opportunities may be crucial.

The sex discrimination guidelines released last week provide basically that, as to compensation, an employer shall be considered in compliance with the regulations if woment employees receive equal pay for equal work performed, without regard to fringe benefits. This limitation is nowhere contained in the Executive order, and there is no employee today who does not consider pensions and health plans and welfare benefits as an integral part of his compensation. Clearly the Department of Labor must reexamine its position on this issue.

The first set of guidelines observed that job qualifications for employees of Government contractors should, in almost all cases, have no reference to sex. Thus exceptions for bona fide occupational qualifications relating to sex would be narrowly construed, if ever applicable. The new guidelines, by softening the provision relating to justifiable occupational qualifications, seems to invite a broad construction of exceptions in this area. I am hopeful that the Federal agencies responsible for administering the equal employment regulations will resist this invitation and will narrowly construe exceptions in this area, consistent with court cases and Equal Employment Opportunity Commission guidelines.

Finally, the new guidelines omit reference to the need for inclusion of women in the goals and timetables required by regulations, specifically Order No 4. Order No. 4, issued this past February, specified the content of acceptable affirmative action programs required under the Executive order. Since the Department of Labor had defined "minority group" as including "female employees and prospective female employees," and since Order No. 4 referred throughout to "minorities," many agencies assumed that the order included women. Apparently, even before the new guidelines were issued, agencies were informally told that women were not intended to be included by the order. Now that these guidelines omit any reference to goals and timetables, discrimination against women—in the very regulations designed to combat discrimination against women—appears evident.

Recent newspaper accounts suggest that Federal agencies have already fallen down in enforcement of Order No. 4. Contracts are continuing to be awarded to companies with unacceptable affirmative action plans. The Department of Defense has been encouragingly vigorous in its enforcement of this Federal law and should be commended for its actions in this area.

There can be no argument that we must choose between erasing sex discrimination or racial discrimination. Both are illegal. Both require imaginative Federal action. Federal compliance officers can and should root out both, and sanctions should follow if contractors are remiss in either area.

My Subcommittee on Administrative Practice and Procedure, over a year ago, held hearings on implementation of the basic Executive order relating to employment discrimination. Since that time it has exercised continuing surveillance over agency activities in this field. We are concerned with the substances of the Federal regulations as well as their implementation, and we will continue to oversee this area in the future.

EXHIBIT 1

MEDIAN EARNINGS OF YEAR-ROUND FULL-TIME WORKERS, 1968 [1]

	White	Negro
Men	$7,870	$5,314
Women	4,580	3,487

MEDIAN INCOME BY EDUCATIONAL ATTAINMENT, 1968 [1] YEAR-ROUND FULL-TIME WORKERS—25 YEARS OLD AND OVER

	Men	Women
Less than 8 years	$5,307	$3,282
8 years	6,580	3,601
1 to 3 years high school	7,324	3,909
4 years high school	8,302	4,835
Some college	9,278	5,471
4 years college	11,795	6,694
5 or more years college	12,803	8,257

MEDIAN EARNINGS IN CENTRAL CITIES IN SELECTED OCCUPATIONS, 1967 [1]
YEAR-ROUND WORKERS

	White men	Negro men	White women	Negro women
Professional and managerial	$9,545	$6,208	$5,910	$6,209
Clerical and sales	6,875	5,515	4,312	4,425
Operatives	6,475	5,414	3,590	3,296
Service workers, except private household	5,536	4,159	3,061	2,905

UNEMPLOYMENT, ANNUAL AVERAGES, 1969 [2]
NUMBER AND RATE

Age 20 to 64	751,000	162,000	[4]783,000	208,000
Age 18 and 19	[4]145,000	[4]51,000	164,000	56,000
Age 16 and 17	[4]198,000	46,000	153,000	39,000
Age 20 to 64 (percent)	1.9	3.7	3.4	6.0
Age 18 and 19 (percent)	7.9	19.0	10.0	25.7
Age 16 and 17 (percent)	[4]12.5	24.7	13.8	31.2

FAMILIES IN POVERTY BY SEX AND COLOR OF HEAD, 1968 [5]
NUMBER AND PERCENTAGE

Number	2,595,000	660,000	[4]1,021,000	706,000
Percent	6.3	19.9	[4]25.2	53.2

ADULTS IN POVERTY, 1966,[6] 16 AND OVER

Men (million)	6.9
Women (million)	11.2

[1] U.S. Department of Commerce, Bureau of the Census: CPR-60, No. 66.
[2] U.S. Department of Commerce, Bureau of the Census: CPR-23, No. 27.
[3] U.S. Department of Labor, Bureau of Labor Statistics, Employment and Earnings, vol. 16, No. 7, January 1970, table A-1 (data under Negro heading is for "Negro and other races").
[4] Higher than 1967 figure.
[5] U.S. Department of Commerce, Bureau of the Census: CPR-60, No. 68, table D.
[6] U.S. Department of Health, Education, and Welfare, Social Security Bulletin, March 1968, "The Shape of Poverty in 1966."

U.S. FOREIGN TRADE POLICY

Mr. COTTON. Mr. President, this is a crucial week in the long and troublesome history of U.S. foreign trade policy. On June 18, the House Ways and Means Committee will conclude its extensive hearings on new trade legislation. The President has indicated that on the 18th, the administration will take its position on H.R. 16920, a bill creating Presidential authority to limit imports of textiles, apparel, and footwear. It would permit foreign producers to share equally with our own domestic producers in the rate of growth of our U.S. market, by far the largest and the only open market of the world. H.R. 16920 was introduced by Ways and Means Chairman WILBUR D. MILLS and now has more than 250 House cosponsors from both sides of the aisle and from all parts of the country. The administration has a golden opportunity to foster a constructive and sorely needed new direction in U.S. trade policy by supporting the bill. In so doing, it would provide the leadership needed for the Nation to face up to the drastically changed conditions of world business competition. This new direction, if properly understood and pursued, can be instrumental in encouraging continued world trade expansion rather than be the signal for a trade war as some faint-hearted critics have claimed.

As is usually the case on trade matters, the testimony on the bill has included much useless name calling about "free traders" and "protectionists." The basic issues and their critical importance to the Nation's future economic strength have not yet come into sharp focus. The really important questions before the President are these:

First. Can the United States cure its persistent and extremely dangerous international balance-of-payments deficit unless it takes direct action to halt the further erosion of the trade balances of major domestic industries?

Second. Can the huge textile, apparel, and shoe industries, with their hundreds of thousands of jobs at stake, survive in the face of the growing flood of import competition from the Far East?

Third. Are new technologies and industries coming along fast enough to provide employment and business opportunities to replace those being lost to foreign competition?

Fourth. Do our trade negotiators have adequate bargaining tools to gain access to foreign markets for our companies comparable to the terms we freely give to foreigners here?

The record has proved that the answer to all of these questions is an unequivocal "No." Action is needed, and needed soon if we are to avert even more serious trouble than already exists for hundreds of American companies and thousands and thousands of our workers. U.S. trade policy simply cannot be permitted to drift aimlessly any longer. We all know that it will help no one—our citizens here in the United States or people in the rest of the world—if the United States permits a deterioration of the industrial strength which has been the source and foundation of its world economic leadership role.

Before reviewing some important data bearing on H.R. 16920, let me examine briefly why it has been so difficult for the United States to face up to the problem of import restraints. The basic problem facing this administration is the same one that has inhibited previous administrations from taking a stronger stance on international trade negotiations. There has been a longstanding concern that foreign relations with our allies and friendly nations will be damaged by our taking firm positions in defense of U.S. business and economic interests. Ever since World War II, when the United States set out to rebuild the shattered economies of Europe and Japan, we have been giving up more in trade negotiations than we have received in turn. Our vast technological and industrial lead permitted such largess in the past. But now the evidence is clear that we have entered a new era of world business competition.

There are strong foreign competitors in virtually every field. Access to our technology is readily available and countries throughout Europe and the Far East have the factories, the labor force, and the financial resources to compete with us across the board. Instant communications and jet aircraft make it easy for businesses all around the world to reach our market. Unfortunately, many other nations have lower working standards and wage rates than we do and they also have different government ground rules such as lax antitrust laws, subsidies, and nontariff barriers to protect their own industries. In short, the world of the 1970's is a very different world from the one we knew in the past. We can no longer afford to squander economic advantage for uncertain political or foreign relations gain. We shall hesitate no longer in insisting on fair treatment in trading terms and conditions in all of our international dealings.

What are the facts that cause my concern about our national balance of payments and trade position? I have here four tables that were presented last month to 500 leaders of U.S. industry at a meeting conducted by the Commerce Department on U.S. international business problems and prospects. All of the tables tell a very disturbing story. The first shows that from 1960 to 1969 the United States consistently had a balance-of-payments deficit, generally running at about $3 to $4 billion annually. The second shows that in the "current account"—covering trade transactions and investment income flows—we are now running a deficit of about $1 billion over the last 2 years whereas in the mid-1960's there was a surplus of $4 to $5 billion. In other words, we are not earning abroad as much as we are spending, even on short-term transactions. In addition, there are the outward flows of U.S. capital investment of $3 to $4 billion each year which add to the payments deficit. If this deficit continues, the strength of the dollar will be seriously threatened, and with it the future of the whole world monetary system.

The last two tables show the drastic deterioration of our trade position. The trade surplus was a steady $4 to $6 billion up through 1967 and then dropped to only $1 billion. This leaves an insufficient surplus to cover foreign aid and travel and U.S. Government expenditures overseas.

The last table is the most dramatic

and pertinent one to my subject today. It shows that for five major industries alone—automotive, steel, textiles and apparel, radios and TV, and shoes—our trade position has gone from one-half billion dollar surplus in 1964 to a $4½ billion deficit in 1969—a $5 billion deterioration in that short period.

Three of these industries have a common characteristic in this respect. Steel, textiles and apparel, and shoes have simply lost business to foreign competition. Radio and TV sets are a different although no happier problem in that the U.S. companies have simply moved their production to Taiwan or Korea to utilize low-cost labor there to compete with Japanese products. Automobiles are also a different case in that they do have substantial income from foreign investment to offset a part of the loss in trade balance. Of the three industries first mentioned, there is already in existence for steel a limited voluntary import restraint agreement. For textiles and apparel there exists a longstanding voluntary agreement covering only cotton goods. H.R. 16920 would provide the means for obtaining coverage of the remaining textile and apparel items and for shoes.

The extreme need for import restraints for these industries has been supported fully in testimony before the Ways and Means Committee. I am only going to mention a few important points. First, these are of course major employers. Almost 2.5 million workers are employed in textile and apparel manufacturing—approximately one out of nine of all U.S. factory workers. They work in some 35,000 companies spread throughout the 50 States. Sixty-five thousand jobs have been lost outright in the past year, not to mention job opportunities lost because of lack of industry growth. These industries have become major employers of minority workers, and it is a tragic thing, to lose the capability of hiring these disadvantaged Americans. Imports have been increasing at rates of 50 and 60 percent a year, and new plants are being built in the Far East and other developing nations on the assumption that the U.S. market will stay wide open while Europe remains essentially closed to their exports.

It seems to be a very poor use of the world's financial resources to build new textile factories in other parts of the world on the premise that modern, efficient plants in the United States will be closed and large numbers of U.S. workers forced onto the unemployment roles.

The story in shoes is even worse, but on a smaller scale. Here total employment has actually declined from 243,000 in 1960 to 230,000 in 1969 while the U.S. market was expanding tremendously. In the same period, foreign imports grew from 27 million pairs of shoes to 210 million pairs—nearly an eightfold growth. Imports as a percent of total consumption reached a level of 21.6 percent in 1968, rose to 25.5 percent in 1969, and jumped even further to 31.6 percent for the first quarter of this year.

Clearly, textiles, apparel, and footwear are major industries and they are all experiencing excessive rates of growth of foreign competition. Imposition of the type of minimal restraint permitted by H.R. 16920 will by no means solve all of the world competitive problems of these industries. They would be gaining some direct relief and some time to adjust to this new competition. In time, hopefully, labor rates and working standards abroad will improve and thereby narrow the competitive gap that has proven to be insurmountable for U.S. business and labor today.

Some 16 months ago, Secretary of Commerce Maurice Stans set out to obtain a voluntary agreement for textile import restraints. He has found it impossible to deal with the Japanese, in large part because he has had no negotiating leverage until the introduction of H.R. 16920. Only as it has become more evident that the Congress will support this bill have the Japanese become even half-heartedly serious about finding an accommodation. They have even attempted some highly unusual tactics in the very conduct of the Ways and Means trade hearings.

I was shocked at the disclosure last week by Congressman JOHN W. BYRNES, Republican of Wisconsin, that one of the witnesses had been found to be a "front" organization for the Japanese Government, going under the name of the U.S.-Japan Trade Council" and purportedly representing U.S. companies when actually the bulk of its funds—over $350,000 in the last fiscal year—came from the Japanese Government for propaganda purposes. This same organization has sent mailings of pro-Japanese literature to many of the American public, including consumer organizations and farmers who are agricultural exporters. These actions give something of an indication of the ends the Japanese will go to assure the continuation of their advantageous trading position with us.

They are now running a $1½ billion annual trade surplus with the United States and still have not opened their own markets to our companies. The Japanese have no basis whatsoever for charging the United States with protectionism. From a national standpoint and in fairness to our companies and our workers we must insist that they moderate the growth of their exports to us. In so doing there should be no foreign relations risk. Rather, I suspect we will gain further respect from them. They are able competitors and they are known to respect strength in those they deal with in business and government.

I have attempted to speak today not as a "free trader" or as a "protectionist," but as one who has been involved in international trade matters for many years and is now seriously, very seriously, concerned about the future impact of changing world competitive conditions on the economic strength of our Nation.

I have spoken out now in the frank hope that my concern and that of others in the Senate will be carefully weighed by the President as he decides on the administration's position on H.R. 16920. I deeply hope that he will fully support H.R. 16920 for textiles and apparel and also for footwear. He should recognize this as vitally needed, highly constructive, bipartisan legislation. I believe the President will conclude that this legislation is in the best interests of the Nation and that it will not at all jeopardize good foreign relations. Further, I urge him to instruct all agencies of the executive branch to support the legislation to the fullest extent possible. In turn, I pledge my support to see that this legislation does not become a "log-rolling" exercise that defeats the sound and fair purpose for which it was conceived by its sponsors in the House.

In closing, I wish to make two general observations. In these remarks I have addressed myself to the House bill which is and which, at this time, should be limited in its scope. I have discussed the situation in regard to a limited number of commodities. A word should be added on what I believe should be our overall trade policy.

That policy must not be a protectionist policy. The free flow of goods—free trade—should be our goal. At present, we do not have a free flow of goods. Every nation with whom we trade has, in some form and to some extent, barriers against American goods—tariffs, quotas, import licenses, and so on. We alone raise no such barriers. For a long time I have insisted that the President should be authorized and urged to impose reasonable restraints on the imports from countries that restrict our exports to them and remove such restraints when they remove theirs. Free trade must be a two-way street, otherwise it is not free trade.

My second observation is addressed to those who are inclined to oppose any restriction of foreign imports on the ground that such restriction will hurt the American consumer. There are two answers to their contention. First, the workers in American factories are themselves consumers. If they are deprived of their jobs and their just wages, they suffer as consumers. Second and more important, history has shown that whenever foreign competition has succeeded in forcing a particular segment of our industry out of business, the price of their product to the American consumer starts to increase. There are recent examples to prove this.

In the interests of the welfare of all Americans and of genuine free trade among all nations, the Congress must act. The Mills bill is the way to start.

I ask unanimous consent that four tables be printed in the RECORD.

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

U.S. balance of payments (liquidity) [1]

[Billions of dollars]

1960	−3.9
1961	−2.4
1962	−2.2
1963	−2.7
1964	−2.8
1965	−1.3
1966	−1.4
1967	−3.5
1968	0.2
1969	−7.1

[1] Covers transfers affecting U.S. official reserve assets (gold, convertible currencies, and IMF position) and liquid liabilities to all foreigners.

U.S. current account balances [1]

[Billions of dollars]

1960	1.9
1961	3.1
1962	2.5
1963	3.3
1964	5.9
1965	4.4
1966	2.4
1967	2.2
1968	−.3
1969	−.7

[1] Balance on goods, services, and unilateral transfers.

U.S. trade surplus [1]

[Billions of dollars]

1960	4.6
1961	5.5
1962	4.5
1963	5.3
1964	7.1
1965	5.3
1966	3.9
1967	4.1
1968	.8
1969	1.3

[1] Trade surplus computation includes exports of products under Public Law 480, aid, and military sales programs, but excludes military grant-aid.

Trade balance—5 major industries

[Billions of dollars]

1960	+306
1961	+497
1962	+58
1963	+18
1964	+168
1965	−612
1966	−1,497
1967	−1,849
1968	−3,959
1969	−4,386
Change: 1960–69	−4,692

OREGON'S BABE RUTH BASEBALL PROGRAM

Mr. HATFIELD. Mr. President, I am pleased to join with Senators today in paying tribute to the Babe Ruth Baseball program.

We so often lose sight of what is positive in our young people when the negative side attracts attention. I am aware of the may fine young men who are graduates of this program and who today are young business, professional, and educational leaders in my State.

I ask unanimous consent that a short description of the national Babe Ruth program be printed in the RECORD.

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

BABE RUTH BASEBALL PROGRAM

HISTORY

Babe Ruth Baseball is a non-profit, tax-exempt, educational organization which has been in operation since 1951 when the first league was founded in Hamilton Township, a suburb of Trenton, N.J., to provide wholesome amateur baseball for 13, 14 and 15-year-old boys.

Recognizing the need for a similar program in the 16, 17 and 18-year-old age group, the Babe Ruth Baseball International Board, in 1966, authorized the formation of an older division. As in the case of the 13–15 program, the 16–18 division was an immediate success.

Almost 250,000 young men are serviced annually by Babe Ruth Baseball's two-division program, the largest regulation teenage baseball activity in the world. These young men develop their skills using standard-sized diamonds while playing under basic rules of organized baseball.

Babe Ruth Baseball operates in all 50 States, in Canada, Puerto Rico, Europe, Guam, Mexico and Asia.

The history of Babe Ruth Baseball is one of steady growth, with many new leagues and teams registering each year enabling young men the world over to experience the thrills of organized competition in a program endorsed by government leaders, clergymen, educators, recreation superintendents and high school and college coaches.

GOALS AND PRINCIPLES

Promoting what is for the good of youth has been and continues to be the guiding principle of the Babe Ruth Baseball program. The teaching of baseball skills, as well as developing physical fitness and mental improvement are all inherent qualities of Babe Ruth play. Participants in the program are also taught basic ideals of good sportsmanship and fair play.

Babe Ruth Baseball is dedicated to developing in its participants a genuine respect for accepted traditions of sportsmanship, firm moral foundations and a thorough understanding of the democratic and competitive spirit so that they may grow into better citizens of the world.

Babe Ruth Baseball provides a preventive force to juvenile delinquency through adult organized and supervised leagues which fill recreational voids for young men who are at a particularly impressionable stage of adolescent development.

DEMOCRATIC ORGANIZATION

The International Board of Babe Ruth Baseball, a 33-member policy-making body, is composed of volunteers from all walks of life and represents the combined thinking of Babe Ruth Baseball adult officials at all levels of administration.

Each state, province or territory in the 13–15 division is operated by an elected State Director. Eight Regional Directors oversee groups of States. In the 16–18 division, State and Section Commissioners, appointed by International Headquarters, follow similar duties. Regional Directors and Section Commissioners also serve on the International Board.

In all cases, the administration and operation of leagues, states, regions and sections comes under the general direction and guidance of International Headquarters and policy set forth by the International Board.

LEAGUE MAKEUP

The strength of Babe Ruth Baseball lies in its quality operation and administration. The rules and regulations of the program are primarily based on continuous surveys of its officials and affiliated leagues.

Each Babe Ruth league chartered by the "global" Headquarters is an organization with authority to administer its own program. However, this must be done within the framework of the rules and regulations and the guidance of experienced Babe Ruth Baseball officials.

Groups affiliated with Babe Ruth Baseball form the foundation of the program. All leagues must meet simple requirements necessary to obtain a charter. This document is issued by Babe Ruth Headquarters and can be renewed annually.

BASIC RULES

Babe Ruth Baseball conducts its competition on a league and tournament season under a minimum of rules:

1. In the 13–15 division, all players must be at least 13-years-old and may not have reached age 16 by August 1 of the year in which playing. In the 16–18 division, a young man must be at least 16-years-old and may not have reached age 19 by August 1 of the year in which participating.

2. Regulation games in both divisions are seven innings.

3. Leagues may be composed of not less than four teams and not more than eight teams. However, leagues, may have more than eight teams provided the league is divided into divisions of not less than four nor more than eight teams per division.

4. Tournament play is conducted between tournament teams, selected from leagues and divisions of eight teams or less and can lead through state, regional or sectional play to the annual international tournaments—the World Series for the 13–15 division and the Tournament of Champions for the 16–18 division.

5. All Babe Ruth Baseball games are conducted on regulation diamonds.

TOURNAMENT TRAIL

The biggest point of the Babe Ruth Baseball program is its tournament competition. Tournament teams from each league are eligible to enter in district competition with winners there moving along the various trails to the international championship tournaments—the World Series and Tournament of Champions.

The World Series is played among eight regional champions and a host team representing the Babe Ruth League of the community in which the World Series is staged.

Teams representing all sections plus host and invitational teams, compose the field for the Tournament of Champions, which was first held in 1968.

Major expenses of the World Series and Tournament of Champions, such as travel allowances, housing and feeding are borne by International Babe Ruth Baseball.

While playing in the two international championships, the young men are housed under the very successful Foster Parent plan. They also enjoy visits to points of historical and educational interest and engage in other wholesome activities. Letters from parents attest to the fine planning which goes into the annual season-ending classics and all teams have always expressed an eager desire to renew their World Series and Tournament of Champions experiences.

WRAP-UP

Above all, the two-division Babe Ruth Baseball program is of, by and for young men. In adopting rules, in establishing standards and in all planning, the primary consideration of this organization at all levels is to provide what is best for its participants. Before Babe Ruth Baseball was founded these young men in the 13–15 and 16–18 age brackets were the "orphans" of the organized baseball world. Today, these groups are participating—in ever-increasing numbers—in a program hailed as the finest ever established.

Babe Ruth Baseball's International Headquarters offers its affiliates many aids and services, such as instructional movies, operational kits, fund-raising ideas, insurance programs and many, many more.

Anyone vitally interested in youth development is strongly urged to take an active volunteer part in Babe Ruth Baseball.

Mr. HATFIELD. Mr. President, I wish to center my remarks on our Babe Ruth program in Oregon, for it was in my State that much of the early success of the Babe Ruth program contributed to its success across the country. One statement from Oregon introduces the Portland program. I ask unanimous consent that it appear at this point.

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

The program in Southwest Portland was

started about 15 years ago with four teams. The League was incorporated in 1963 and in 1970 will provide organized baseball for 300 boys. Each team has a manager in charge and most teams have two or more coaches working with and teaching the boys. Teamwork, citizenship, responsibility, sportsmanship, baseball skills and strategy, are all emphasized. Strong parental support and cooperation is a keystone to success in our objectives.

The Southwest Portland Babe Ruth League, Inc., serves the entire southwest of the Greater Portland metropolitan area. It is supplied by boys who have completed their Little League baseball in the Mt. Sylvania, Sunset, and Tualatin leagues, and other boys who also enter into baseball for the first time. Our program is made up of ten major teams and enough minor teams to provide competition for every boy. There are five minor teams in 1970 which play a complete schedule with five additional teams from the Beaverton area. Each team is made up of 15 boys. Every boy is on a team so that any boy who is able can get to play as often as possible.

About 45% of the cost of the program is met by player and adult registration fees. Another 45% is underwritten by our sponsors. These are carefully selected business firms who have an interest in this kind of program in their community. Without their financial assistance the League would be unable to function. It is necessary, however, that during each season the League raise additional funds. Your purchase of this booklet and your support of our annual Pancake Breakfast will provide the balance of funds required.

All boys are being taught and required to develop a strong team spirit and discipline. They will encourage their own teammates; they are not permitted to complain, to argue with the umpires, or to deride or heckle their opponents. It is very important, then, that the spectators, certainly all parents and other adults, conduct themselves in the same manner and spirit. Our fans have usually been outstanding in this respect.

The League will have a Raiders' and a Spartans' team in the area tournament beginning on July 23rd at Lents and Sckavone fields. The 13-year olds will also be competing in tournament play in late July.

OFFICERS, 1970

William W. Crawford, President.
Charles Murphy, 1st Vice President.
John C. Carlson, 2d Vice President.
John B. Fewel, 3d Vice President.
Mrs. Edith Hamilton, Secretary.
Earle V. White, Treasurer.
William P. Sells, Purchasing Agent.
Mrs. Ann Nicholson, Scorekeeper.

Mr. HATFIELD. Mr. President, we now have 335 teams in 43 leagues around the State. This means that more than 5,000 Oregon young men are participating on the baseball teams, and another 5,000 in their minor leagues.

While I feel the participation of so many boys is important, I want to point out that our Oregon teams also are winners. In the last 15 years, Oregon teams have represented the Western region 10 times. Our region includes Oregon, Washington, Idaho, Montana, Wyoming, Alaska, and British Columbia. Senators from these States naturally can appreciate my pride at Oregon's outstanding record. At the nationals, our teams have taken two seconds, three third, and two fourth places. My distinguished colleagues from Michigan, Mr. HART and Mr. GRIFFIN, know the pitching skill of Detroit Tiger pitcher Mickey Lolich. He is an Oregonian, and pitched in the Babe Ruth championships. In fact, I remember that those games received more attention in our newspapers across the State than nearly any sporting event that summer, with the possible exception of the University of Oregon track team.

Mr. President, the operation of such a large organization would have been impossible without the long hours of volunteer efforts of many adults. One of many who deserves special attention for his devotion to the Babe Ruth program is my friend, Mr. Ward Walker. He probably has done more for the Babe Ruth program in Oregon than any other man. Mr. President, I ask unanimous consent that a brief sketch of Mr. Walker, from the honor roll section of the "Babe Ruth Baseball Bullpen" of May 1970, be printed in the RECORD.

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

"Semi-pro basketball, but I was awful," Ward Walker lists as part of his athletic experience. That's where his "awful" ends, however.

When it comes to Babe Ruth Baseball, Walker is very hard to overshadow. He serves as the 13–15 State Director for the program and his experience in Babe Ruth Baseball dates back to almost the beginning—1953.

Walker first became affiliated with Babe Ruth Baseball as a member of the Fernhill Babe Ruth League Board of Directors and moved up the ladder to secretary-treasurer of the Oregon State BRL before becoming the State Director.

The retired Army Sergeant is a graduate of Willamette University (Salem, Ore.) and has been the receipent of many awards during his long srvice to the youth of the Portland area, including a 1965 award which named him "Man of the Year" by the Portland Amateur Baseball Association.

Mr. HATFIELD. Mr. President, when I asked Ward Walker, regional director for Oregon, for more information on the Oregon Babe Ruth program, he did such a good job that I certainly cannot improve on his description. One of the program's aspects of the Foster Parent Plan, which got its start in Oregon. As his letter states:

Another Facet of our program which began in Oregon is the Foster Parent Plan in which the kids from one area at each tournament level stay with parents or townspeople of the hosting league. This gives the kids an insight into a different area of the state, region, or nation as the case may be and allows them to see how other people live. We believe this socializing part of the overall program is the most important. Playing Baseball is important to the kids but the lasting effect will be their social experiences. When we had the World Series at Glendive, Montana several years ago a lot of kids made real contacts. After college, 4 of the boys went back and married the gals they met in Glendive and corresponded with for many years. Guess we are marriage brokers too.

That was the first time I realized that junior baseball programs qualified as marriage brokers.

Second, Ward Walker's letter to me sets out the amount of volunteer time and labor, and what it has meant to many towns in Oregon. I ask unanimous consent that this portion of his letter also be printed in the RECORD.

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

As to what good the program has done for the community—

New fields at no cost to the taxpayers:	
Grants Pass a beautifully built and lighted field worth	$200,000
Roseburg building a new park for Babe Ruth Baseball, worth at least	200,000
Medford in the building (volunteer labor and materials) worth at least	150,000
Oswego completing a new lighted park (seating and concession stands planned still) worth	100,000
Newport in conjunction with the Catholic Church on a 100-year lease of property basis a beautiful unlighted park worth at least (facilities only)	60,000
Beaverton planning a volunteer park (not yet built)	
Tigard has new lighted park with stands worth (facilities only—land belongs to school district	95,000
Pendleton has fully owned Babe Ruth Baseball Park next to Roundup Grounds worth at least	300,000
Baker, as the Senator knows, built and dedicated with his help the most beautiful park in the State—community effort with volunteer work and Lee Adler's $17,000 in cash worth now about	200,000
Ontario now building like mad. Will have completed by fall a facility as nice as Baker's	200,000
Total completely new facilities available for all the community	1,505,000
Major improvements to city owned parks by volunteer help and huge donations by local firms:	
Klamath Falls for world series hosting 1969	75,000
Salem in the Keizer district on the church field	25,000
Forest Grove completely rebuilt city park	40,000
Newburg—new field, stands, concession stands, and rest rooms for all to use	75,000
Hermiston—two fields with toilet facilities (a real accomplishment in this rocky soil)	140,000
Waldport—built up and lighted	25,000
The Dalles—completely rebuilt with volunteers	55,000
Milton Freewater—rebuilt field	15,000
City of Portland—a lot of volunteer help with no real estimate of cost but a heck of a lot. Conservatively on the 12 fields we do each year about $5,000 worth of work but this is maintenance	
Total, permanent improvements by volunteer help and business donations on existing fields	465,000

We believe moreover that our program has unified a lot of townspeople in a program for the common good as have other kids sport programs. It is most usual to see all walks of life represented on the boards and coaching staffs of the leagues and teams. It is most common to see docors, lawyers, bricklayers, taxi drivers, clerks, laborers, and lots of women working side by side to the end that their kids will have a good facility and to see that it is fairly operated.

Mr. HATFIELD. Mr. President, the reference to the Baker Field concerns my participation, along with Ward

Walker and several others, in the dedication in 1966. The Leo Adler Babe Ruth Field is an outstanding example of what a city can do in getting behind a worthwhile project such as this.

Mr. President, I also would like to recognize some adults in Oregon who give countless hours to make this program a success. There are many other men who deserve this recognition, but I want to salute the following Oregonians for their continuing efforts to help the Babe Ruth Baseball program:

Al Davidson, J. Hutchins, Arnold Jensen, Hal Mackin, Frank Stapleton, Neal Jackson, Joe Michael, Buz Wagner, Marvin Lemmon, Fred Naylor, Blackie Oderman, William Welch, Wendy Huettl, Dave Frei, Ed Forness.

Jack Crook, Dudley Franco, Darrell Leabo, Ward E. Walker, Forrest Sullivan, Ken Stuart, Fred Quinn, John Maylie, Kenneth Westover, Quentin Probst, Bob Wack, Bob St. Aubin, Floyd Markham, George Palmer, Eldon Messer.

In closing, I ask unanimous consent that the entire letter from Ward Walker and one from W. L. Huettl be printed in the RECORD.

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

JUNE 2, 1970.

Re Babe Ruth Baseball
Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.
(Attention Walt Evans)

GENTLEMEN: As per our telephone conversation of a few minutes ago we submit the following pertinent information:

We started Babe Ruth Baseball in Oregon in 1953 with the City of Portland incorporating it into their Portland Amateur Baseball Association program to have a program for 13, 14, and 15 year old boys. The First year there were 8 teams in the City roughly following the High School Lines. The interest grew and now we have chartered 43 leagues for the 1970 year. We have 335 teams in major competition now. Each team has 15 boys so we know for sure there are 5025 Oregon boys playing baseball in our Major League system. A great many leagues also have minor programs so we figure at least 500 Boys in the minors. For each boy playing we have 4 or more adults taking part as spectators, coaches, managers, concession stand personnel, etc. Our program has really grown in Oregon and is just starting a big burst down through the central part of the state with Grants Pass and Salem joining the Strongholds of Roseburg, Medford, Albany, and Lake Oswego.

As to what good the program has done for the community—

New fields at no cost to the taxpayers:	
Grants Pass a beautifully built and lighted field worth	$200,000
Roseburg building a new park for Babe Ruth Baseball, worth at least	200,000
Medford in the building (volunteer labor and materials), worth at least	150,000
Oswego completing a new lighted park (seating and concession stands planned still), worth	100,000
Newport in conjunction with the Catholic Church on a 100-year lease of property basis a beautiful unlighted park worth at least (facilities only)	60,000
Beaverton planning a volunteer park (not yet built).	
Tigard has new lighted park with stands worth (facilities only—land belong to school district)	$95,000
Pendleton has fully owned Babe Ruth Baseball Park next to Roundup Grounds worth at least	300,000
Baker, as the Senator knows, built and dedicated with his help the most beautiful park in the state—community effort with volunteer work and Leo Adler's $17,000 in cash worth now about	200,000
Ontario now building like mad. Will have completed by fall a facility as nice as Baker's	200,000
Total, completely new facilities available for all the community	1,505,000
Major improvements to city owned parks by volunteer help and huge donations by local firms:	
Klamath Falls for world series hosting 1968	75,000
Salem in the Keizer district on the church field	25,000
Forest Grove completely rebuilt city park	40,000
Newburg—new field, stands, concession stands, and rest rooms for all to use	75,000
Hermiston—two fields with toilet facilities (a real accomplishment in this rocky soil)	140,000
Waldport—built up and lighted	25,000
The Dalles—completely rebuilt with volunteers	55,000
Milton Freewater—rebuilt field	15,000
City of Portland—a lot of volunteer help with no real estimate of cost but a heck of a lot—conservatively on the 12 fields we do each year about $5,000 worth of work but this is maintenance	----------
Total, permanent improvements by volunteer help and business donations on existing fields	465,000

We believe moreover that our program has unified a lot of townspeople in a program for the common good as have other kid sport programs. It is most usual to see all walks of life represented on the boards and coaching staffs of the leagues and teams. It is most common to see doctors, lawyers, bricklayers, taxi drivers, clerks, laborers, and lots of women working side by side to the end that their kids will have a good facility and to see that it is fairly operated.

In 1966 a Portland Team took 2nd place in the National Tournament at Douglas, Arizona. In the last 15 years the Oregon Team has represented the Region (Oregon, Washington, Idaho, Montana, Wyoming, British Columbia, and Alaska) 10 times. In each case the Oregon Team did a very creditable job with two 2nds, three thirds and two 4th places. Oregon has hosted the World Series twice with Portland the first site in 1956 with Mickey Lolich pitching in the final game but going down to defeat. In 1968 Klamath Falls hosted the Series and did the greatest job yet done in a kid baseball World Series. They were just too much. A very profitable series for all concerned.

Another facet of our program which began in Oregon is the Foster Parent Plan in which the kids from one area at each tournament level stay with parents or townspeople of the hosting league. This gives the kids an insight into a different area of the state, region, or nation as the case may be and allows them to see how other people live. We believe this socializing part of the overall program is the most important. Playing baseball is important to the kids but the lasting effect will be their social experiences. When we had the World Series at Glendive, Montana several years ago a lot of kids made real contacts. After college, 4 of the boys went back and married the gals they met in Glendive and corresponded with for many years. Guess we are marriage brokers too.

A final good item we believe is that this program has really kept a lot of adults out of trouble. Think about that for a time! When you are working with your kids, you get to know them. I know few if any of our boys who have ended up with serious hang ups if their parents took part in the program. We believe it is one of the few remaining family solidifiers in our country and we intend to keep working at it for a great many years to come.

I am enclosing a copy of our board of directors working personnel at District and above. Naturally, each league has a similar board and working group of coaches and managers. Of the 4 adults per kid we include parents and grandparents plus a lot of old goats like us who have got in the program and find it is doing a lot more for us than we for the kids most likely. At this point, I suppose, I should point out that no one below the few National professional officers gets any pay. Expenses of travelling to tournaments are paid by the program if there is revenue enough but most of us find it a hole in our pocket that we don't want to patch. We figure that over 100,000 adults in Oregon plus a lot more kids than that have been helped and exposed to kid baseball and found it good.

We wish you good luck in the years to come and hope some of the above will do a job for you and for us.

We would appreciate any items you might send us relative to the Congressional Record on Kid Baseball and especially, Babe Ruth Baseball.

Very truly,

WARD E. WALKER.

P.S.—I am sure you realize this must be a volunteer when you see the lousy typing job I've done above.

KLAMATH FALLS, OREG.
May 12, 1970.

Senator MARK HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: Your participation in the activities concerning Babe Ruth Baseball on the Chamber floor, June 16th, is hereby heartily requested.

This subject is no stranger to most Oregonians because Oregon has been a real leader in youth baseball activities. Here in Klamath Falls we have been especially busy, having hosted the 1968 Babe Ruth World Series, and in September, 1970, will host the American Legion World Series. Such interest has developed winners too, as evidenced by Oregon being a real national threat nearly every year in all youth baseball programs.

Far more important than producing winners is the good done for the youth and adults who give of their time. When these two age groups spend their hours together on the practice or playing fields, there is no real generation gap. The hours they spend in healthy, wholesome exercise are hours they are not engaging in activities that make the front-page news. A by-line on the Sports page is far better.

It is a proven fact that the percentage of teen-age delinquents coming out of these summer ball programs is almost non-existent. Any reduction is great, and we are proud of the kids taking part in these programs. If we only had more ball parks and

more practice fields, we could do so much more. Little League is doing a great job for the mid-graders; Babe Ruth takes care of Junior High boys, but the High School programs, such as American Legion and Connie Mack, seem to lose too many boys to work and other interests, but also, too often, to the lack of playing facilities.

My District #1 in Oregon is a piece of geography that runs from Bend in the North to a strip of northern California in the South, and from Lakeview in the East to Medford in the West. We have 50 teams chartered right now, and a chance that Ashland will be in with four teams. A total of 54 teams means that we have creamed off over 800 lads, 13 to 15 years of age, and provided a summer program that leaves little time for their formulative minds to think much more than good.

We have some cases where a lad has to go 50 miles for his practice session. This is something many of your fellow Congressional workers will have difficulty comprehending. That is why out of close to 10,000 Babe Ruth teams, nearly 1,100 come from a sparsely-populated Pacific Coast Northwest region of seven States and provinces of which Oregon contributes 330 teams for a third of the total.

Before our wide-open spaces get filled with buildings and people, we should get more athletic facilities, such as baseball fields, built so we can even imporve on providing a release for energies that will not be a detriment to all of our aims and goals.

As one representing the great State of Oregon, you can be justly proud to take part in the Special Order on June 16th.

Respectfully yours,

W. L. HUETTL,
Director, Oregon Babe Ruth Leagues.

BILL DRAFTED BY SECURITIES INDUSTRY TASK FORCE

Mr. MUSKIE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a bill, drafted by a securities industry task force, to provide greater financial protection for customers of registered brokers and dealers and members of national securities exchanges.

Following earlier hearings on this vital matter, the industry has responded with a proposal which it finds acceptable for the achievement of greater customer protection in the securities field. I shall be studying this proposal with great care to determine whether the areas of agreement with my own bill are sufficiently broad to provide a common basis for forward looking legislation.

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

S. ——

A bill to provide greater financial protection for customers of registered brokers and dealers and members of national securities exchanges

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. This Act may be cited as the "Securities Investor Protection Act of 1970."

SEC. 2. Section 15(b) of the Securities Exchange Act of 1934 is amended by adding three new paragraphs numbered (11) through (13), respectively, to read as follows:

"(11) No broker or dealer shall become, or (except as hereinafter provided in this subsection) remain, registered pursuant to this subsection unless such broker or dealer is a member of an approved investor protection organization. As used in this title, the term 'approved investor protection organization' shall include the Corporation established by section 35 of this title and any other organization which the Commission shall approve as being in the public interest and satisfying the purposes for which sections 35 and 36 of this title were enacted, including the providing of financial protection for customers of brokers or dealers not less favorable than that provided to customers of the members of such Corporation.

"(12) In the event that any broker or dealer registered pursuant to this subsection shall cease to be a member of an approved investor protection organization, the Commission, shall, after appropriate notice and opportunity for hearing, by order suspend or revoke the registration of such broker or dealer unless it finds that such suspension or revocation is not in the public interest.

"(13) The Commission may by such rules and regulations or orders as it deems necessary or appropriate in the public interest or for the protection of investors either unconditionally or upon specified terms and conditions or for specified periods, exempt from paragraph (11) of this subsection any broker or dealer or class of brokers or dealers specified in such rules, regulations or orders."

SEC. 3. The Securities Exchange Act of 1934 is amended by adding a new Section 35 to read as follows:

"SEC. 35(a)(1) There is hereby established a body corporate to be known as 'Securities Investor Protection Corporation' (herein referred to as the "Corporation"). The Corporation shall have succession until dissolved by Act of Congress, which Act shall make provision that none of the net assets of the Corporation will inure to the benefit of any of its members. The Corporation shall not be an agency or establishment of the United States Government; shall be a membership corporation in which any broker or dealer registered pursuant to section 15 of this title shall be eligible for membership; and shall be subject to the provisions of this section and sections 36 and 37 of this title and, to the extent consistent with such sections, to the provisions of the District of Columbia Nonprofit Corporation Act.

"(2) The Corporation shall have a Board of Governors consisting of not more than twelve individuals, as follows: (i) one governor shall be the Secretary of the Treasury or his delegate; (ii) one governor shall be appointed by the President; (iii) one governor shall be appointed by the governing body of the national securities exchange having the highest dollar volume of trading; provided that if such volume exceeds 50% of the total dollar volume of trading on all national securities exchanges, an additional four governors shall be so appointed by such governing body; (iv) the respective governing bodies of the national securities exchanges ranking second, third and fourth in dollar volume of trading shall each appoint one governor; and (v) two governors shall be appointed by the national securities association registered pursuant to section 15A(b) of this title, or, if there shall be more than one such association, by the association having the greatest number of members. All matters relating to tenure in office, including the terms of office of governors and the periods for determining dollar volumes of trading, shall be as provided in the by-laws of the Corporation.

"(3) The Board of Governors shall elect from its members a chairman who shall be the chief executive officer of the Corporation and shall serve at the pleasure of the Board of Governors.

"(4) In addition to the powers granted to the Corporation elsewhere in this title, the Corporation shall have the power—

"(A) to sue and be sued, complain and defend, in its corporate name and through its own counsel, in any court, State or Federal;

"(B) to adopt, alter, and use a corporate seal, which shall be judicially noticed;

"(C) to adopt, amend, and repeal, by its Board of Governors, by-laws, rules and regulations relating to the conduct of its business and the exercise of all other rights and powers granted to the Corporation by this title;

"(D) to conduct its business (including the carrying on of operations and the maintenance of offices) and to exercise all other rights and powers granted to it by this title in any State or other jurisdiction without regard to any qualification, licensing or other statute in such State or other jurisdiction;

"(E) to lease, purchase, accept gifts or donations of or otherwise acquire, to own, hold, improve, use, or otherwise deal in or with, and to sell, convey, mortgage, pledge, lease, exchange or otherwise dispose of, any property, real, personal or mixed, or any interest therein, wherever situated;

"(F) subject to the provisions of paragraph (3) of this subsection, to elect or appoint such officers, attorneys, employees and agents as may be required, to determine their qualifications, to define their duties, to fix their salaries, require bonds for them and fix the penalty thereof; and

"(G) to enter into contracts, to execute instruments, to incur liabilities, and to do any and all other acts and things as may be necessary or incidental to the conduct of its business and the exercise of all other rights and powers granted to the Corporation by this title.

The Corporation shall also have all the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act which are not inconsistent with this section or section 36 or 37 of this title.

"(5) The adoption, amendment or repeal of any by-law, rule or regulation by the Corporation shall take effect upon the thirtieth day after the filing of a copy thereof with the Commission or upon such earlier date as the Commission may determine, unless the Commission shall enter an order disapproving such adoption, amendment or repeal. The Commission shall not enter such an order of disapproval unless, after appropriate notice and opportunity for hearing, the Commission shall find that such adoption, amendment or repeal is contrary to the public interest or contrary to the purposes for which this section and sections 36 and 37 of this title were enacted. Any resolution of the Board of Governors provided for in subsection (c)(2), (c)(3), (c)(8) or (c)(10) of this section, and, unless specified therein, any other resolution of the Board of Governors, shall not constitute a by-law, rule or regulation of the Corporation.

"(6) The Corporation, by-law, rule or regulation, shall establish its fiscal year. As soon as practicable after the close of each fiscal year, the Corporation shall submit to the Commission a written report relative to the conduct of its business and the exercise of the other rights and powers granted by this title during such fiscal year. Such report shall include financial statements setting forth the financial position of the Corporation at the end of such fiscal year and the results of its operations (including the source and application of its funds) for such fiscal year. The financial statements so included shall be examined by an independent public accountant or firm of independent public accounts, selected by the Corporation and satisfactory to the Commission, and shall be accompanied by the report thereon of such accountant or firm. The Commission shall transmit such report to the Congress with such comment thereon as the Commission may deem appropriate.

"(7) Every broker or dealer registered pur-

suant to subsection (b) of section 15 of this title on the 120th day following the date of enactment of the Securities Investor Protection Act of 1970 shall automatically become a member of the Corporation on such 120th day unless prior to such day the Commission shall, pursuant to subsection (b)(13) of section 15 of this title, have exempted such broker or dealer from subsection (b)(11) of such section. Any broker or dealer who shall become registered pursuant to subsection (b) of section 15 of this title after such 120th day shall at the time such registration becomes effective automatically become a member of the Corporation unless at such time such broker or dealer either becomes a member of another approved investor protection organization or is exempted by the Commission, pursuant to subsection (b)(13) of section 15 of this title, from membership in any approved investor protection organization. A broker or dealer shall automatically become a member of the Corporation upon the termination of the exemption, pursuant to subsection (b)(13) of section 15 of this title, of such broker or dealer from membership in any approved investor protection organization, unless at such time such broker or dealer becomes a member of another approved investor protection organization. As soon as practicable after the abovementioned date of enactment and from time to time thereafter, the Commission shall furnish to the Corporation the names and addresses of brokers and dealers registered and becoming registered pursuant to subsection (b) of section 15 of this title together with such other information concerning such brokers and dealers and their operations as may be appropriate in connection with the exercise by the Corporation of the rights and powers granted to it by this title.

"(b)(1) As hereinafter used in this title, the term 'self-regulatory organization' shall mean a national securities exchange or a national securities association registered pursuant to section 15A(b) of this title; the term 'financial responsibility rules' shall mean the rules and regulations pertaining to financial responsibility which are applicable to a broker or dealer, as prescribed by the Commission under subsection (c)(3) of section 15 of this title or prescribed by a national securities exchange; and the term 'examining authority' shall mean the self-regulatory organization which examines a member thereof or the Commission if the broker or dealer is not a member of any self-regulatory organization. The self-regulatory organization of which a member of the Corporation is a member shall examine such member for compliance with applicable financial responsibility rules, except that if a member of the Corporation is a member of more than one self-regulatory organization, the Corporation shall designate one of such self-regulatory organizations to examine such member of the Corporation for compliance with applicable financial responsibility rules. Such self-regulatory organization shall be selected by the Corporation on the basis of regulatory procedures employed, availability of staff, convenience of location, and such other factors as the Corporation may consider appropriate for the protection of customers of its members.

"(2) The Corporation shall consult and cooperate with the self-regulatory organizations toward the end (i) that there will be developed and carried into effect procedures reasonably designed to detect approaching financial difficulty upon the part of any member of the Corporation; (ii) that, as nearly as may be practicable, examinations to ascertain whether members of the Corporation are in compliance with applicable financial responsibility rules will be conducted by the self-regulatory organizations under appropriate standards (both as to method and scope) and reports of such examinations will, where appropriate, be standard in form; and (iii) that, as frequently as may be practicable under the circumstances, each member of the Corporation will file information with, and be examined by, the self-regulatory organizations which is the examining authority for such member.

"(3) There shall be filed with the Corporation by the self-regulatory organizations such reports of examinations of the members of the Corporation as may be designated by the Corporation by by-law, rule or regulation. Any report so filed shall not be available for public inspection unless the Corporation shall determine that disclosure thereof is in the public interest.

"(4) Nothing in this subsection shall in any manner limit the powers of the Commission under this title.

"(c)(1) The Corporation shall establish a fund to permit the exercise of the rights and powers granted to it by, and to effectuate the purposes of, this section and section 36 of this title without resort, to the greatest extent possible, to any loans from the Treasury pursuant to paragraph (11) of this subsection. If and so long as the total amount of the assets in such fund shall aggregate $150,000,000, or such other amount (not less than $75,000,000) as the Corporation may, by by-law, rule or regulation, determine to be adequate in the public interest for the protection of customers of its members, assessments made upon the members of the Corporation shall be limited to those required for its current operating expenses. In computing such total amount of assets, there shall be deducted (i) such sums as shall be reasonably estimated by the Corporation to be required to be paid by the Corporation, less the amount estimated to be recoverable by it, in proceedings pending pursuant to applications under subsection (a) of section 36 of this title, and (ii) if assets of the Corporation (other than assessments of members) have been pledged to secure the payment of bonds, notes or other evidences of indebtedness issued by the Corporation, the principal amount of such bonds, notes or other evidences of indebtedness or the amount of the investment of the Corporation in such assets, whichever is the lesser, and there shall be included as assets only cash on hand or on deposit and the amount invested in securities issued or guaranteed by the United States or any person controlled or supervised by and acting as an instrumentality of the United States government pursuant to authority granted by Act of Congress; provided that if the total amount of assets as so computed aggregates at least $75,000,000, there shall be deemed to be included as cash in the fund the amount, if any, which the Corporation has the right to borrow from a bank under a line of credit or other agreement at the time in effect if the cash so borrowed shall be repayable by the Corporation not less than one year from the time of borrowing, including all rights of extension, refunding or renewal at the election of the Corporation.

"(2) Each broker or dealer who is a member of the Corporation on the 120th day following the date that the Securities Investor Protection Act of 1970 is enacted shall pay to the Corporation an assessment equal to ⅛th of 1% of the gross revenues from the securities business of such broker or dealer during the calendar year 1969, or if the Commission shall determine that, for purposes of assessment pursuant to this paragraph (2), a lesser percentage of gross revenues from the securities business is appropriate for any class or classes of brokers or dealers (taking into account relevant factors, including types of business done and nature of securities sold), such lesser percentage as the Commission, by rule or regulation, shall establish for such class or classes, but in no event less than 1/16 of 1% for any such class; provided that in no event shall such assessment upon a member be less than $250 or more than $150,000. Each self-regulatory organization shall act as collection agent for the Corporation to collect the assessments payable by all brokers or dealers for whom such self-regulatory organization is the examining authority, and such brokers or dealers shall pay such assessments to the Corporation through such examining authority, and members of the Corporation who are not members of any self-regulatory organization shall make payment direct to the Corporation. All assessments made pursuant to this paragraph (2) shall be payable in two equal installments,[1] of which the first shall be due on or before the 120th day following such data of enactment, and the second shall be due on December 31, 1970 [2] or such date prior thereto as the Corporation, by resolution of its Board of Governors, shall specify. As used in this section, the term "gross revenues from the securities business" shall mean the sum of (but without duplication): (i) commissions earned in connection with transactions in securities effected for customers as agent, net of commissions paid to other brokers or dealers in connection with such transactions, and markups in respect of purchases or sales of securities as principal, (ii) charges for executing or clearing transactions in securities for other brokers or dealers, (iii) the net realized gain, if any, from principal transactions in securities in trading accounts, (iv) the net profit, if any, from the management of or participation in the underwriting or distribution of securities, (v) interest earned on customers' securities accounts, (vi) fees for investment advisory services or account supervision in respect of securities and management fees from investment companies, (vii) fees for the solicitation of proxies with respect to, or tenders or exchanges of, securities, (viii) income from service charges or other surcharges in respect of securities, (ix) dividends and interest received on securities in investment accounts, (x) fees in connection with put, call and other option transactions, and (xi) fees and other income for all other investment banking services; provided that securities shall not include any interests in real estate or oil, gas or other mineral rights. To the extent provided by the Corporation, by-law, rule or regulation, gross revenues from the securities business of a broker or dealer and all its subsidiaries and the operations of any business to which such broker or dealer has succeeded shall be included. The Corporation shall have the right, by by-law, rule or regulation to define all terms used in this paragraph insofar as such definitions are not inconsistent with the provisions of this paragraph.

"(3) After consultation with self-regulatory organizations, the Corporation shall, by resolution of its Board of Governors, make upon the members of the Corporation such assessments as may be necessary that, at the earliest practicable time, the fund established pursuant to paragraph (1) of this subsection will have, and continue to have, therein the total amount of assets required by such paragraph, and that the Corporation will have all moneys required for its current operating expenses and for the payment when due of the principal of, and interest and premium, if any, on, all moneys borrowed by the Corporation; provided that the assessments so made shall be in conformity with contractual obligations assumed by the Corporation in connection with any loan or pledge made pursuant to paragraph (10) or (11) of this subsection. For the purpose of making such assessments, the Corporation, by resolution of its Board of Governors, may classify the members of the Corporation ac-

[1] Assumes enactment prior to September 1, 1970.

[2] Assumes enactment prior to September 1, 1970.

cording to the amount or composition of their gross revenues from the securities business, the number or dollar volume of transactions effected by them, the number of and the amounts of cash and securities in the customer accounts maintained by them, their net capital, the nature of their activities, whether in the securities business or otherwise, and other relevant factors, all as the Board of Governors determines to be fair and reasonable. Assessments shall be paid by members of the Corporation upon a quarterly basis or upon such other basis as the Corporation by resolution of its Board of Governors may determine, and, in the case of members of self-regulatory organizations, shall be collected through their respective examining authorities. An examining authority shall be obligated to remit to the Corporation assessments made under this subsection only to the extent that payments of such assessments are received by such examining authority.

"(4) Each broker or dealer who is a member of the Corporation shall file with such broker's or dealer's examining authority such information (including reports of, and information with respect to, the gross revenues from the securities business of such member, including the composition thereof, transactions in securities effected by such member, and such other information with respect to such member's activities, whether in the securities business or otherwise, including customer accounts maintained, net capital employed, and activities conducted) as, by by-law, rule or regulation, the Corporation may determine necessary or appropriate for the purpose of paragraphs (2) or (3) of this subsection. The examining authority shall file with the Corporation all or such part of such information (and such compilations and analyses thereof) as the Corporation, by by-law, rule or regulation, shall prescribe. No application, report or document filed pursuant to this section or section 36 or section 37 of this title shall be deemed to be filed pursuant to this title for the purpose of section 18 of this title.

"(5) If a member shall have paid in full an assessment made upon him by the Corporation, or such portion thereof as at the time shall be due and payable, such member shall, within 30 days after the making of such payment, be entitled to apply to the Commission for a determination by it whether the amount of such assessment is unfair and inequitable to such member as compared to the assessments made upon the other members of the Corporation. The Commission is authorized, after appropriate notice and opportunity for hearing, upon consideration of the resolution of the Board of Governors making such assessments and such other evidence as it may deem relevant, to determine whether such assessment upon such member is unfair and inequitable as alleged. If the Commission shall determine that such assessment upon such member is not unfair and inequitable as alleged, the Commission shall enter an order to that effect. If the Commission shall determine that such assessment upon such member is unfair and inequitable as alleged, the Commission shall by order reduce the amount of such assessment upon such member to such amount as, in the judgment of the Commission, is fair and equitable as compared to the assessments made upon the other members of the Corporation, and the Corporation shall repay the amount of such reduction to such member, together with interest thereon at the same rate as is then applicable under paragraph (6) of this subsection.

"(6) If a member of the Corporation shall fail to pay when due all or any part of an assessment made upon him, the unpaid portion thereof shall bear interest at such rate as may be determined by the Corporation by by-law, rule or regulation, and if such failure shall continue for a period of 15 days, the Corporation shall be entitled, after appropriate notice and opportunity for hearing, to expel such member from membership in the Corporation.

"(7) Anything in this section to the contrary notwithstanding, (i) no assessments shall be made pursuant to paragraph (3) of this subsection upon a member for payments during any twelve-month period which exceeds ¼ of 1% of such member's gross revenues from the securities business for such period, or ½ of 1% thereof if any borrowing by the Corporation pursuant to paragraph (10) or (11) of this subsection shall be outstanding at any time during such period; and (ii) if and to the extent that an assessment upon a member is based upon or measured by such member's gross revenues from the securities business, it shall be deemed to be fair and equitable.

"(8) Subject to the foregoing provisions of this subsection, the Corporation, by resolution of its Board of Governors, may prescribe such procedures with respect to the making and collection of assessments as it may determine to be necessary or appropriate to permit the exercise of the rights and powers granted to the Corporation by, or to effectuate the purposes of, this section or section 36 of this title.

"(9) There may be contributed and transferred at any time to the Corporation any funds or securities held by any trust established by a self-regulatory organization prior to January 1, 1970, and the amounts so contributed and transferred shall be applied as a reduction in the amounts payable pursuant to assessments made or to be made by the Corporation upon members of such self-regulatory organization, as may be determined by the Corporation; provided, however, that no such reduction shall be made at any time when there shall be outstanding any borrowing by the Corporation pursuant to paragraph (10) or (11) of this subsection.

"(10) The Corporation, by resolution of its Board of Governors, shall have the power to borrow moneys and to evidence such borrowed moneys by the issuance of bonds, notes or other evidences of indebtedness, all upon such terms and conditions as the Board of Governors may determine, in the case of a borrowing other than pursuant to paragraph (11) of this subsection, or as may be prescribed by the Secretary of the Treasury in the case of a borrowing pursuant to said paragraph (11). To secure the payment of the principal of, and interest and premium, if any, on, all bonds, notes or other evidences of indebtedness so issued, the Corporation, by resolution of the Board of Governors, may make agreements with respect to the amount of future assessments to be made upon members and may pledge all or any part of the assets of the Corporation and of the assessments made or to be made upon members; provided that, during any period when a borrowing by the Corporation pursuant to paragraph (11) of this subsection is outstanding, no pledge of any assesment made pursuant to paragraph (3) of this subsection upon a member to secure any bonds, notes or other evidences of indebtedness issued other than pursuant to said paragraph (11) shall be effective to the extent that the assessment on such member provides for payment by such member during any twelve-month period of an amount in excess of ¼ of 1% of such member's gross revenues from the securities business for such period. Any such pledge shall be valid and binding from the time that it is made, and the assessments so pledged and thereafter received by the Corporation, or any examining authority as collection agent for the Corporation, shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding against all parties having claims of any kind against the Corporation whether pursuant to this section or section 36 of this title, in tort, contract or otherwise, irrespective of whether such parties have notice thereof. Neither the resolution of the Board of Governors nor any other instrument by which a pledge is created need be filed or recorded in any jurisdiction.

"(11) At any time that the available assets of the Corporation are insufficient to permit the exercise of the rights and powers granted to the Corporation by, or to effectuate the purposes of, this section and section 36 of this title, the Treasury is authorized to make a loan or loans to the Corporation upon application therefor. At the time of application for, and as a condition to, any such loan, the Corporation shall file with the Commission a statement setting forth the proposed use of the proceeds of such loan and a projection of the assessments proposed to be made during the term of the loan for which application is made. If the Commission shall determine and certify to the Secretary of the Treasury, based upon conditions existing at the time of such application, either (a) that the assessments so projected provide reasonable assurance of repayment when due of such loan, including the interest thereon, or (b) that such loan is necessary in the public interest and essential for the protection of investors and the maintenance of confidence in United States securities markets, the Secretary of the Treasury is authorized and directed to make such loan as hereinafter provided; provided that the aggregate principal amount at any time outstanding of all bonds, notes or other evidences of indebtedness evidencing loans so made by the Secretary of the Treasury shall not exceed $1,000,000,000 and provided, further, that the terms and provisions of each such loan (and the forms and denominations of the bonds, notes or other evidences of indebtedness issued by the Corporation to evidence such loan) shall be as determined by the Secretary of the Treasury who, in determining the rate of interest thereon, shall take into consideration the current average yield on outstanding marketable obligations of the United States of comparable maturities issued during the month preceding the issuance by the Corporation of such bonds, notes or other evidences of indebtedness. The Secretary of the Treasury shall purchase any bonds, notes or other evidences of indebtedness issued to evidence a loan under this paragraph (11) 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 bonds, notes or other evidences of indebtedness. The Secretary of the Treasury may at any time sell any of the bonds, notes or other evidences of indebtedness acquired by him under this paragraph. All redemptions, purchases and sales by the Secretary of the Treasury of such bonds, notes or other evidences of indebtedness shall be treated as public debt transactions of the United States.

"(d) The provisions of section 20 of this title shall not apply to any liability under or in connection with this section or section 36 of this title."

SEC. 4. The Securities Exchange Act of 1934 is amended by adding a new section 36 to read as follows:

"SEC. 36(a)(1) Whenever an examining authority shall determine that a member of the Corporation, or a member who has been expelled pursuant to subsection (c)(6) of section 35 of this title and not thereafter exempted from membership in an approved investor protection organization pursuant to subsection (b)(13) of section 15 of this title, or a member whose registration pursuant to subsection (b) of section 15 of this title is suspended or revoked pursuant to subsection (b)(12) of section 15 of this title,

has failed or is in danger of failing to meet its outstanding obligations to customers, such examining authority shall forthwith give notice thereof to the Corporation.

"(2) For the purposes of this section, a member of the Corporation shall conclusively be deemed to have failed or to be in danger of failing to meet its outstanding obligations to customers if:

"(A) such member is insolvent within the meaning of section 1(19) of the Bankruptcy Act;

"(B) such member is unable to meet its obligations as they mature;

"(C) such member has committed an act of bankruptcy within the meaning of section 3 of the Bankruptcy Act;

"(D) such member is the subject of a receivership or an insolvency or liquidation proceeding pending in any court or before any agency of the United States or any State; or

"(E) such member is unable to demonstrate that it is in compliance with applicable financial responsibility rules and the examining authority for such member determines that such member is generally unable to meet demands upon such member for reasonably prompt payment or delivery of cash or securities.

"(3) Any notice given pursuant to paragraph (1) of this subsection by reason of a condition referred to in subparagraph (E) of paragraph (2) of this subsection shall be accompanied by a statement of the examining authority whether, in its opinion, such condition could be eliminated reasonably promptly by the imposition of restrictions on transactions or other activities of the member involved, by the making of a subordinated loan by the Corporation to such member, or by the merger or other combination of the business of such member with another broker or dealer, or by any combination of the foregoing, and, if so, the plan proposed for the elimination of such condition; provided, however, that if and so long as there remains outstanding any borrowing by the Corporation pursuant to subsection (c) (11) of section 35 of this title, no such plan may provide for the making of a subordinated loan by the Corporation. Upon receipt of a notice which is accompanied by such a plan, the Corporation shall determine whether it is in the public interest (i) to permit the member involved to continue operations pursuant to such plan or any modification thereof approved by the Corporation or (ii) to liquidate the business of such member; provided, however, that notwithstanding the Corporation's permitting such member so to continue operations, the Corporation may, at any time thereafter during the continuance of the condition specified in such notice, make application pursuant to paragraph (4) of this subsection if it shall determine that liquidation of the business of such member is in the public interest. Any subordinated loan made to a member pursuant to any such plan or modification shall be on such terms and provisions as shall be determined by the Corporation, and the Corporation shall provide the proceeds of such loan to such member.

"(4) Upon receipt of a notice given pursuant to paragraph (1) of this subsection by reason of a condition referred to in subparagraph (A), (C) or (D) of paragraph (2) of this subsection, the Corporation shall, and upon receipt of a notice given pursuant to paragraph (1) of this subsection by reason of any other condition the Corporation in its discretion may, apply to any court of competent jurisdiction specified in section 27 of this title and, upon notice to the member involved, obtain a decree adjudicating that such member has failed or is in danger of failing to meet its outstanding obligations to customers. Such application may be filed notwithstanding the pendency in the same or any other court of any bankruptcy, mortgage foreclosure, or equity receivership proceeding or any proceeding to reorganize, conserve, or liquidate such member or its property, or any proceeding to enforce a lien against property of such member. A member in respect of which such an application has been filed is hereinafter in this section referred to as a "debtor", and the date on which such an application with respect to any debtor is filed is hereinafter in this section referred to as the "filing date", except that if a notice is required by reason of a condition referred to in subparagraph (D) of paragraph (2) of this subsection, the 'filing date' shall mean such earlier date, if any, as a petition was filed by or against the debtor under the Bankruptcy Act.

"(5) Upon the filing of an application pursuant to paragraph (4) of this subsection, the court to which application is made shall have exclusive jurisdiction of the debtor involved and its property wherever located. Pending an adjudication such court shall stay, and upon appointment by it of a trustee as hereinafter provided such court shall continue the stay of, any pending bankruptcy, mortgage foreclosure, equity receivership or other proceeding to reorganize, conserve or liquidate the debtor or its property and any other suit against any receiver, conservator or trustee of the debtor or its property. Pending such adjudication and upon the appointment by it of such trustee, the court may stay any proceeding to enforce a lien against property of the debtor or any other suit against the debtor. Pending such adjudication, such court may appoint a temporary receiver.

"(6) If the debtor shall consent to or fail to contest the Corporation's application or if the debtor fails adequately to controvert any material allegation of such application, the court shall forthwith appoint as trustee for the liquidation of the business of debtor (including the other purposes of a proceeding under this section), and as attorney for such trustee, such persons as the Corporation shall specify, provided that no person shall be appointed as such trustee or attorney if such person is not 'disinterested' within the meaning of section 158 of the Bankruptcy Act.

"(b) (1) A trustee appointed pursuant to this section shall be vested with the same powers and title with respect to the debtor and the property of the debtor, and the same rights to avoid preferences, as a trustee in bankruptcy and a trustee under Chapter X of the Bankruptcy Act have with respect to a bankrupt and a Chapter X debtor; provided that the trustee shall have the right (i) with the approval of the Corporation, to hire and fix the compensation of all personnel (including officers and employees of the debtor and of its examining authority) and other persons (including but not limited to accountants) that are deemed necessary to liquidate the business of the debtor and for the other purposes of a proceeding under this section, and (ii) to operate the business of the debtor in order to complete open contractual commitments as hereinafter provided, and no approval of the court shall be required therefor. The Corporation is authorized to advance to the trustee such moneys as may be required to effectuate clause (i) of the foregoing proviso, and shall advance to the trustee such moneys as (with those available pursuant to subsection (d) (2) of this section) may be required to effectuate clause (ii) of such proviso.

"(2) Except as inconsistent with the provisions of this section or otherwise ordered by the court, a trustee appointed pursuant to subsection (a) of this section shall be subject to the same duties as a trustee appointed under section 44 of the Bankruptcy Act, provided, however, that a trustee appointed pursuant to subsection (a) of this section may, but shall have no duty to, reduce to money any securities in the estate of the debtor.

"(3) Except as inconsistent with the provisions of this section and except that in no event shall a plan of reorganization be formulated, proceedings under this section shall be conducted in accordance with, and as though they were being conducted under, the provisions of Chapter X and such of the provisions of Chapter I to VII, inclusive, of the Bankruptcy Act as Section 102 of Chapter X would make applicable if an order of the court had been entered directing that bankruptcy be proceeded with pursuant to the provisions of such Chapters I to VII, inclusive; provided that the court may stay enforcement of, but shall not abrogate, the rights provided in section 68 of the Bankrutcy Act. For all such purposes the filing date shall be deemed to be the date of commencement of proceedings under the Bankruptcy Act.

"(c) The purposes of any proceeding under this section shall be:

"(1) to operate the business of the debtor in order to complete all contractual commitments of the debtor relating to transactions in securities which were made in the ordinary course of the debtor's business and were outstanding on the filing date, other than contractual commitments the completion of which the Commission shall have determined by rule or regulation not to be in the public interest;

"(2) as promptly as practicable after the appointment of the trustee, in accordance with the provisions of this section:

"(A) to return specifically identifiable property to the customer of the debtor entitled thereto;

"(B) to distribute the single and separate fund, and (in anticipation thereof or concurrently therewith) to pay to customers moneys advanced by the Corporation as hereinafter provided; and (3) to liquidate the business of the debtor.

"(d) For the purpose of any proceeding under this section the term 'stockbroker', as used in section 60e of the Bankruptcy Act, shall mean the debtor, and:

"(1) Customers and their subrogees shall have all rights to reclaim specifically identifiable property, and all other rights and priorities, provided for in said section 60e, and shall have the additional rights provided by this section.

"(2) All cash or securities held, recoverable or receivable by or for the account of the debtor (except for cash or securities specifically identifiable as the property of particular customers), and all property in the single and separate funds, shall be available to complete open contractual commitments pursuant to subsection (c) of this section. No securities purchased or cash received upon the completion of any such commitment shall constitute specifically identifiable property.

"(3) In or for the purpose of distributing the single and separate fund:

"(A) all property other than cash shall be valued as of the close of business on the filing date;

"(B) there shall be repaid to the Corporation, in priority to all other claims payable from such single and separate fund, the amount of all advances made by the Corporation to the trustee to permit the completion of open contractual commitments as provided in subsection (c) of this section;

"(C) there shall be paid from such single and separate fund all costs and expenses specified in clauses (1) and (2) of section 64a of the Bankruptcy Act, and any moneys advanced by the Corporation for such costs and expenses shall be recouped as such; and

"(D) to the greatest extent considered practicable by the trustee, the trustee shall deliver in payment of claims of customers for securities, securities of the same class and

series of an issuer (ratably up to the respective amounts) to which such customers were entitled on the filing date.

"(4) In determining whether particular customers are able to identify specifically their property, whether property remained in its identical form in the debtor's possession or whether such property or any substitutes therefor have been allocated to or physically set aside for such customers, and remained so allocated or set aside, it shall be sufficient that on the filing date:

"(A) securities are segregated individually, or in bulk for customers collectively;

(B) in the case of securities held for the account of the debtor as part of any central certificate service of any clearing corporation or any similar depositary, the records of the debtor show that all or a specified part of the securities held by such clearing corporation or other similar depositary are held for specified customers, or for customers collectively, if such records of the debtor also show the identities of the particular customers entitled to receive specified numbers or units of such securities so held for customers collectively; or

"(C) such securities are held for the account of customers of the debtor in such other manner as the Commission, for the protection of customers and other creditors on a fair and equitable basis, by rule or regulation shall determine to be sufficiently identifiable as the property of such customers;

"Provided that: if there is any shortage in securities of the same class and series of an issuer so segregated in bulk or otherwise held for customers, as compared to the aggregate rights of particular customers to receive securities of such class and series, the respective interests of such customers in such securities of such class and series, shall be pro rated, without prejudice, however, to the satisfaction of any claim for deficiencies as otherwise provided in this section.

"(5) the term 'customer' shall include any person who has deposited cash with the debtor for the purpose of purchasing securities, but shall not include any person to the extent that such person has a claim for property which by contract, agreement or understanding, or by operation of law, is part of the capital of the debtor or is subordinated to the claims of creditors of the debtor.

"(6) to the extent that moneys are advanced by the Corporation to the trustee to pay the claims of customers, the Corporation shall be subrogated to the claims of such customers with the rights and priorities above provided in this subsection (d).

"(e) It shall be the duty of the trustee to discharge promptly, in accordance with the provisions of this section, all obligations of the debtor to each of its customers relating to securities by the delivery of securities or effecting payments to such customers insofar as such obligations are ascertainable from the books and records of the debtor or are otherwise determined to the satisfaction of the trustee, whether or not the particular customer shall have filed formal proof of such claim. For that purpose the court among other things shall:

"(A) authorize the payment and discharge of claims out of moneys made available to the trustee by the Corporation notwithstanding the fact that there shall not have been any formal proof of such claims or any showing or determination that there are sufficient funds of the debtor available to make such payment; and

"(B) authorize the trustee to satisfy claims to delivery securities of a class and series of an issuer which are ascertainable from the books and records of the debtor or are otherwise determined to the satisfaction of the trustee, if and to the extent that securities of such class and series to satisfy such claims (in whole or pro rata in part) are sufficiently identifiable.

any payment or delivery of property pursuant to this paragraph may be conditioned upon the trustee requiring claimants to execute in a form to be determined by the trustee, appropriate receipts, supporting affidavits and assignments, but shall be without prejudice to the right of any claimant to file formal proof of claim for any balance of securities or cash to which he may deem himself entitled.

"(f) The provisions of this section permitting discharge of obligations of the debtor to pay cash or to deliver securities without formal proof of claim shall not apply to any person "associated" with the debtor as defined in section 3(a)(18) of this title or any beneficial owner of 5% or more of the voting stock of the debtor or any spouse or minor child of any of the foregoing.

"(g) In order to provide for prompt payment and satisfaction of the net equities of customers of the debtor, the Corporation shall advance to the Trustee such moneys as may be required to pay or otherwise satisfy claims in full of each customer but not to exceed $50,000 for such customer or (if at the time no borrowing by the Corporation pursuant to subsection (c)(11) of section 35 of this title is outstanding) such greater amount as the Corporation shall have determined by by-law, rule or regulation; provided that a customer who holds accounts with the debtor in separate capacities shall be deemed to be a different customer in each capacity, and provided, further, that no such advance shall be made by the Corporation to the trustee to pay or otherwise satisfy any claims of any customer who is a broker or dealer, a partner, officer or director of the debtor, or the beneficial owner of 5% or more of the voting stock of the debtor.

"(h) Nothing in this section shall limit the right of any person to establish by formal proof such claims as such person may have to payment, or to delivery of specific securities, without resort to moneys advanced by the trustee to the Corporation.

"(i) Promptly after his appointment, the trustee shall cause notice of the commencement of proceedings under this section to be published in accordance with a designation of the court, made in accordance with the requirements of Section 28 of the Bankruptcy Act. Except for claims allowed without the filing of formal proof thereof as in this section provided, no claim for specifically identifiable property or claim payable from property in the single and separate fund or with moneys advanced by the Corporation, shall be allowed which as not been filed within 90 days after such publication, and no other claim shall be allowed after the time specified in section 57 of the Bankruptcy Act. Subject to the foregoing and without limiting the powers and duties of the trustee to discharge promptly obligations as specified in this section, the court may make appropriate provision for proof and enforcement of all claims against the debtor including those of any subrogee.

"(j) All reports to the court by a trustee in any proceeding under this section shall be in such form and detail as, having due regard to the requirements of section 17 of this title and the rules and regulations thereunder and the magnitude of items and transactions involved in connection with the operations of a broker or dealer, the Commission shall determine, by rules and regulations to present fairly the results of such proceeding as at the dates or for the periods covered by such reports.

"(k) Any approved investor protection organization other than the Corporation shall have with respect to its members and their customers the same powers and duties conferred by this section on the Corporation with respect to members of the Corporation and their customers."

SEC. 5. The Securities Exchange Act of 1934 is amended by adding a new section to read as follows:

SEC. 37(a) The Corporation, its assets and its income, including but not limited to income from investment of the fund established by subsection (c)(1) of section 35, shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority, except that any real property and any tangible personal property (other than cash and securities) of the Corporation shall be subject to State and local taxation to the same extent according to its value as other real and tangible personal property is taxed. Assessments made upon a member of the Corporation shall constitute ordinary and necessary expenses in carrying on the business of such member for the purpose of section 162(a) of the Internal Revenue Code of 1954, as amended. The contribution and transfer to the Corporation of funds or securities held by any trust established by a national securities exchange prior to January 1, 1970, for the purpose of providing assistance to customers of members of such exchange, shall not result in any taxable gain to such trust under any provision of the Internal Revenue Code of 1954, as amended, nor shall such contribution or transfer, or any reduction in assessments made pursuant to subsection (c)(9) of section 35 of this title, in any way affect the status, as ordinary and necessary expenses under Section 162(a) of the Internal Revenue Code of 1954, as amended, of any contributions made to such trust by such exchange at any time prior to such transfer.

"(b) Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the monies, securities, or other assets of the Corporation shall be deemed guilty of a crime, and upon conviction shall be fined not more than $50,000 or imprisoned not more than five years or both.

"(c) Except for such assessments as may be made upon such member pursuant to the provisions of subsections (c) (2) and (3) of section 35 of this title, no member of the Corporation shall have any liability under section 35 or section 36 of this title (whether as a member of the Corporation, a member of a self-regulatory organization, or otherwise) for, or in connection with, any act or omission of any other broker or dealer whether in connection with the conduct of the business or affairs of such broker or dealer or otherwise.

"(d) Neither the Corporation or any self-regulatory organization shall have any liability to any person for any action taken or omitted in good faith by the Corporation or such self-regulatory organization under, or in connection with any matter contemplated by, sections 35 and 36 of this title.

"(e) It shall be unlawful for any member, officer, or employee of the Commission, any governor, officer or employee of the Corporation, or any officer or employee of the Treasury to disclose to any person other than such a member, governor, officer or employee, or to use for personal benefit any information contained in any application, report, or document submitted to or filed with the Corporation by any member of the Corporation or any self-regulatory organization, or submitted or filed by the Corporation to or with the Commission or the Treasury, unless such application, report or document is made available to the public or such disclosure by a governor, officer or employee of the Corporation is determined by the Board of Governors to be necessary or desirable in the exercise of the rights or powers granted to the Corporation by, or to effectuate the purposes of, section 35 or 36 of this title."

SEC. 6. The amendments made by this Act shall take effect as follows:

(1) The effective date of subsections (b) (11) and (12) of section 15 of the Securities

Exchange Act of 1934, as added by section 2 of this Act, shall be the 120th day following the date that this Act is enacted.

(2) All other amendments contained in this Act shall take effect on the date of its enactment.

THE STATE OF OUR ECONOMY—ADDRESS BY DR. MILTON FRIEDMAN

Mr. GOLDWATER. Mr. President, much is being said these days about the state of our economy. Some of it is bad, some of it misses the mark, and some of it is good.

Dr. Milton Friedman of the University of Chicago, who, in my mind, is the most perceptive economist we have in America, and who has the unusual ability to be able to transmit his thoughts in an understandable way, spoke in March, at the 80th Anniversary of Halle & Steiglitz, on the state of our economy.

I ask unanimous consent that his remarks be printed in the RECORD.

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

ADDRESS BY DR. MILTON FRIEDMAN

I thought it would be most interesting today if I were to comment on the current state of business and, more important, what the alternatives are as we look ahead to the next six or nine or twelve months and also six or nine or twelve years. One of the things that has impressed me enormously about the financial community, especially in New York, is how extraordinarily short-sighted they are in their time horizon.

Businessmen in general seem to be schizophrenic in this respect. Businessmen are capable of taking a very long view when it comes to their own business. Businessmen are now planning the plants that they will put up ten years from now, and the products that they will be selling fifteen and twenty years from now, and the people who will be running their enterprises ten or fifteen years from now.

But when it comes to something outside their own business, when it comes to a question of what is appropriate governmental policy, what is appropriate economic or other policy, then all of a sudden these long-sighted businessmen tend to become very short-sighted and to look ahead three months.

What is true of businessmen in general is true to an exaggerated decree of those people whose daily habitat is in the caverns of Wall Street, or in the temples to business erected in uptown Manhatten, because they are dealing in a market in which things happen very fast, and in which you do have to be concerned with the day-to-day scene.

The function, therefore, that I think an academician can serve is to bring a somewhat broader point of view and a somewhat longer time perspective.

I may say that it helps not only to be an academician, but also to come from Chicago, because Chicago is sufficiently outside the New York scene so that it can take a somewhat independent and fresh point of view.

Indeed, I may say that is why the University of Chicago is in Chicago. No, I am not saying that in jest at all. When William Rainey Harper was negotiating with John D. Rockefeller about establishing a new university, they were first going to establish it in the neighborhood of New York—perhaps somewhere in New Jersey or Connecticut.

One day Mr. Harper came to Mr. Rockefeller and he said, "You know, we're making a mistake. New York has such a homogeneous intellectual climate; there is such an orthodoxy in New York, that if we establish a university in New York it will be just like all the others. If we want to have a different kind of university, a university with independence and a special point of view, the only way we can get that is by getting away from this overpowering, deadening orthodox climate of New York."

I don't know that those are the exact words, but it was on this ground that Mr. Harper said, "We shall do better if we go to a much less sophisticated environment; if we go out to a place like Chicago, where you have much less sophistication but also much more tolerance for diverse ideas."

It was on those grounds and for that reason that the University of Chicago was established in Chicago rather than in New Jersey.

Ever since, the University has had the character of being a home for independent thought, for diverse ideas, of being free from the overpowering pressure of a conventional wisdom and orthodoxy, which I must say I have found in my own experience to be a very characteristic feature of the New York environment.

And so, speaking from outside the business world and from outside New York, let me see if I can discuss the situation from a somewhat longer run point of view.

I partly move to the longer run point of view because the immediate situation is not very interesting.

The time when it is interesting to do an economic analysis of current affairs is when you are near a turning-point.

Most of the time the economy is either going up or it is going down. The time when you get into difficulties is when you are at the point of turning around and are either coming down, or turning around and coming up.

That is what made 1969 a rather interesting year. There were some of us who were saying, "We're coming to a turning-point, and watch out. We're going to be starting down."

There were others who were saying, "No, that is silly. That comes from this absurd preoccupation with irrelevant statistics, like the quantity of money."

Others were saying, "No, clearly the boom is going to continue. We're really off to the races. It is perfectly obvious that you cannot stop one boom by monetary tightness."

Well, that time of disagreement is past by now. I take it there is hardly anybody who is any longer in doubt that the economy has passed a turning-point.

The only arguments now are on a purely semantic level: Is it a slowdown; is it a rolling readjustment; is it a recession? Is it something else?

And even that argument is beginning to pale because it is becoming increasingly evident, I believe, that the economy is in a slowdown which will have all of the characteristics that we have heretofore associated with the word "recession."

It is a sign of the corruption of the English language that the word "recession" was first introduced in order to be a milder version of a depression, which was first introduced in order to be a milder version of a panic or crisis.

Now everybody says, "A recession—that is terrible. We need a milder word than that."

By all past indications, when the business cycle historians come to set dates, they will probably say that the peak of the recent cyclical episode was sometime around October, 1969. They will take the recession as having started from about that date.

As always, whenever you have a turning-point in the economy, the initial movement is very mild.

If you go back to the worst case of all, 1929 to 1933, which statisticians now date as having started in August, the stock market crash did not come until October, and until the very end of 1929, there were still people who were saying, "This is not a real cyclical turning-point. We're just getting ready to take off again."

So, whenever you have a turning-point, it tends at first to be mild and to be confusing and difficult to interpret. But by now I think it is widely agreed that we did have a turning-point around September or October or November of this past year, that real output has been growing at a very slow rate or actually declining since then, that employment has been tapering off, and unemployment rising.

The questions now are: How far will it go; how deep will it be; when will it turn around? When will the next turning-point be and what will produce it?

That is the main problem I want to talk about. Personally I believe that we still have a good real of whistling in the dark at the moment. The recession now in process is not going to be a 1929–33 or even a 1936–37. Still, I think that it will be rather more severe than most people now are counting on. It will be more nearly like 1957–58 than even like 1960–61, let alone like the minirecession of 1966–67.

What happens as this recession develops, and where do we go from here? I believe that what happens this summer and this fall in the realm of economic policy is going to be of great importance for the course of events not only this year, but during the whole of the decade of the 1970's. This is therefore a period which will particularly repay watching. It is a period that requires a great deal of effort and energy on the part of all of us to make sure that the right decision is made.

Let me see if I can make my point by outlining to you two alternative scenarios that seem to me to be possible.

The background which I take for granted for both scenarios is that the recession is going to deepen; that interest rates, which have started to come down, will continue to come down; that the rate of price increase, which is still high though declining, will continue to decline. That is already in the machine, as it were.

Now as we come to May or June or July, these developments become more and more apparent and there begins to be a great political outcry that we must do something to stop the recession.

Unemployment will be increasing, output will be declining, prices will still be rising, although less rapidly than they were rising before. They will be going up at 4 or 4.5 instead of 5 or 6 or 7 per cent.

With Congressional elections coming up in September, the political pressures will be, "We must do something about this. We must step in with all our weapons and try to offset this recessionary development."

If past experience during the post-war period were to be repeated, the most likely outcome would be that this pressure would produce not only a reaction, but an overreaction.

Every time in the post-war period that we have gone into a period of recession, it has proved to be relatively short and relatively mild; but that has not prevented the monetary authorities and the fiscal authorities from overreacting.

For this purpose I don't really have to enter into the argument, which I should be delighted to enter into on almost any occasion, whether monetary policy or fiscal policy is the more important.

Whatever your views on monetary policy and on fiscal policy, every recession has been followed by a shift in monetary policy from too slow a rate of growth in the quantity of money to too high a rate of growth, and also by a shift in fiscal policy toward a larger deficit or a smaller surplus. That has been true, so far as I can see, of every post-war recession.

If one were simply to extrapolate past experience, the most likely outcome this summer is Scenario No. 1, which would mean

that along about May, June or July, as this pressure gets great, Government spending would tend to increase, the rate of growth of the quantity of money would speed up sharply, and both would go too far.

If that were to occur, what would happen next? We would be off on another binge of inflation. It would take time for the stimuli to take hold, so the overreaction wouldn't help the elections. How people vote in November depends on what economic conditions are in September or thereabouts, and how economic conditions are in September depends on what monetary policy and fiscal policy is in January, February and March at the latest, so it is probably already too late. But that won't prevent people from hoping.

While the overreaction wouldn't have much effect on the elections, it would mean the beginning of an expansion in the third or fourth quarter of this year, and a more rapid expansion in nominal terms in 1971.

But it would also mean that the tapering off of inflation would be reversed, that the slowing down in interest rates would be reversed, and that we would be off on another episode of still higher rates of price rise and still higher interest rates.

On this scenario, the decade of the 1970's will be a decade of more inflation than the decade of the 1960's.

On this scenario, the average interest rates during the 1970's will be decidedly higher than they are today. Interest rates today are very low, if you assume that prices are going to go up to 5 or 6 per cent a year.

If a man made a loan of $100 a year ago to somebody at the then high interest rate of 8 per cent, he would first have had to pay income tax on the $8 he received in interest. Even if he is in a very low income tax bracket, say the 25 per cent bracket, he would have only $6 left.

Prices have risen about 6 per cent in that year, and so a man who made a loan at 8 per cent last year in effect made a loan at a zero real interest rate. At the rate of price inflation of the past year, today's interest rates are low.

If Scenario No. 1 is followed, the decade of the 1970's will again see rising prices, prices rising not at 4 or 5 per cent, but at 7 or 8 percent or more per year, and we will have interest rates in the neighborhood of 10, 12 and 13 per cent.

You will have something else, and this is where the short-sightedness of businessmen enters in. You will have a great hue and cry that "You see, you couldn't stop the inflation by monetary policy of fiscal policy; the only way to stop inflation is by imposing price and wage controls."

One of the mysteries to me has been the number of businessmen who have already been calling for price and wage controls.

There must be a deeply imbedded instinct for suicide in businessmen, because there is nothing which would so surely destroy a private enterprise economic system as widespread price and wage controls in a time of general inflationary pressure.

This is a subject that would take me too far off my main topic. Just let me urge you to contemplate the consequences.

Let me go back to my main theme. On Scenario No. 1 we would have price and wage controls, because that would seem to be the only weapon left to cope with inflation.

Scenario No. 2: You will have the same hue and cry in the middle of the year. You would have the same pressure to expand and inflate, but the monetary, fiscal, and political authorities would have the fortitude the courage, the determination to resist that pressure.

Instead of following the pattern that was followed in 1958 and again in 1962 and 1963, and again in 1967, the monetary authorities and the fiscal authorities would keep their "cool". They would continue as they should now be doing, to expand the quantity of money. They would keep it increasing but at a moderate rate. They would go from the unduly restrictive policy of the past six months of a zero per cent rate of growth in the money supply to something like 4 or 4.5 per cent. But they would not go to a rate of increase of 7, 8 or 9 per cent as they did in 1967 and '68.

The fiscal authorities—and again I don't need to face up to the question of which is the basic force—would keep a lid on Government spending, and would not let Government deficits emerge of very large magnitude.

If they can do that, there would be very little difference in the pattern for this year. We would still have the recession. The recession would still continue until the third or fourth quarter.

The turn-around would come a little bit later and be a little bit milder. But the turnaround would come as the rate of price inflation came down, and it became possible to have an expansion of real output at constant prices or slowly rising prices in the face of a more slowly rising stock of money. Income would rise gradually. There would be a slow but steady recovery.

The rate of price inflation would continue to come down, and you can hope by the middle of 1971 or the end of 1971, it would be down to maybe 1 or 2 per cent a year, down to essentially a zero rate, considering the imperfections of our indexes.

If this scenario were to develop, the period of the 1970s could be a period of real prosperity in terms of physical output. Total national income in real terms could grow at a steady rate, with a relatively stable price level.

In that case, interest would continue to come down to a level more nearly in the 5 to 6 per cent range than in the range in which they have been more recent.y.

But in order for that outcome to occur, the authorities will have to have the courage and the wisdom and the determination to keep from being panicked this summer by emerging economic difficulties.

Those are the two alternative scenarios, and I think it will be of the greatest importance to us as a nation, and to you people who are in the financial community, which is followed.

If you want, on the one hand, to make forecasts of what is going to come later on, I suggest to you that the best thing to do is to keep tabs on what happens this summer, as this issue gets resolved.

From the point of view of a sensible policy, the most important thing we can do is to urge on our representatives and on our officials that they follow the second path rather than the first.

Now the question, which will occur?

As I said before, if you were simply extrapolating from past experience, if you were following the Dow Theory, which says, "The future is going to be an immediate continuation of the past," you would have to come out in favor of Scenario No. 1, because that is the one we have experienced over and over again.

I am enough of an optimist to believe that maybe you don't have to simply extrapolate the past, that you do have a new team, a new group of people who are in charge of economic policy, with a different approach and a different attitude, that we have a greater of understanding of these matters than we did some years back. In addition, as a result of accident of personality, we have some particular individuals in charge who are likely to have the stamina and the determination to hold the line.

And so I am optimistic enough to believe that there is a better than fifty-fifty chance of Scenario No. 2, but I am far from believing that that is a certainty.

Moreover, I don't want to suggest for a moment that if we manage to surmount 1970 that we can all lean back and forget about it for the rest of time. After all, the pressure to spend money without raising taxes is not a new pressure, and it is not one that is going to disappear in 1970.

The pressure for printing money in the hope of thereby providing more funds for housing or more funds for this or more funds for that, is not a new pressure, and is not going to disappear.

The political urge to stimulate economic conditions every time there is an election in the offing is not a new urge, and it is not going to disappear.

And so, if we surmount 1970 along these lines, that will offer a better prospect for future years, but every time there is any slight halting in the economy, you will again and again run into the same pressure to shift from a steady posture to a posture of over-heating.

I hate to be so trite and use that great cliche about eternal vigilance, but that is the price not only of liberty, but also of a sensible economic policy over a long period of time.

Chairman GORDON. Thank you very much, Dr. Friedman, for those very stimulating remarks.

Now we will wait a minute. There are a few people who have appointments. We will then invite questions from the floor.

QUESTION. Dr. Friedman, given the capacity of labor unions to raise wages, and given the capacity, let us say, of the steel industry or the railroad industry to raise prices in the face of falling business and long-range demand, do you expect that a steady posture will still prevent the dilemma of rising prices with a slowdown?

Dr. FRIEDMAN. Yes. I once gave a talk at a meeting of Industrial Relations Research Association on the question of trade unions and inflation.

I started that talk by saying, "Unaccustomed as I am to defending trade unions——".

Well, that is the beginning of my answer to you. The fact is that trade unions do much harm, in my opinion, but they have nothing to do with inflation. The widespread belief to the contrary is simply a typical example of the fallacy of composition.

You know, the most interesting propositions in economics have the particular characteristic that what is true for the individual is the opposite of what is true for everybody put together.

Each of you gentlemen around this room thinks that he can decide how much of this green stuff (Indicating a dollar) to put in his pocket, how much money to have in his pocket. Each one of you can.

But all of the people in the country have nothing to say about that. There are a certain number of green pieces of paper that have been printed. One person has more only by taking it away from somebody else. It is a game of musical chairs.

The same thing is true on the issue you raise. Every businessman believes that inflation is produced by rising wages, by unwarranted pressure of wages.

Every businessman is right, so far as his own situation is concerned. He is wrong in generalizing that to the economy as a whole.

To each businessman separately inflation comes in the form of rising costs, and he has to increase prices because his costs went up.

But why did his costs go up? Because somebody else was trying to bid away his labor under the pressure of increased demand.

If you stop and think about a typical pattern, you will see why you get into a misleading view.

Consider, for a moment, that all of you gentlemen walked out on the street and de-

cided you wanted to have two pairs of shoes where you only had one before, and there are shoes in the window advertised at $25 a pair.

You go in. The first thing that happens is not that the shoe store raises its price. It sells you shoes at $25 a pair, but then it runs out of inventory.

Having run out of inventory, it says, "Reorder from the wholesaler."

The wholesaler doesn't raise the price.

They ship out what they have, but they reorder from the manufacturer. The manufacturer now wants to produce more shoes. How can the manufacturer produce more shoes? The manufacturer gives instructions to buy more leather.

But you can't buy more leather. There is only a certain amount that has been produced. What you can do is to bid up the price of leather.

And so their representatives in the auction market bid up the price of leather, and now the shoe manufacturer says, "My God, our costs are going up. I have to raise my prices."

They raise their price at the wholesale level, and the wholesaler says, "My God, my costs are going up." The wholesaler raises the price for the retailer.

The next time you go into the store you see the price of shoes is up $35 and you say, "Why did you raise the price?"

The retailer says, "I don't want to do it, but my costs went up."

The truth of the matter is that what started that whole process going was the expansion in demand.

Exactly the same thing is true for the economy as a whole. It is the increase in demand that pulls up wages.

Because trade unions tend to make contracts for a long period of time, two or three years in advance, they are late in reacting.

If you look at the statistics, you will find that in every period of inflation the wages of unorganized labor go up faster than the wages of organized labor. This is because the wages of organized labor are held back by the negotiated in advance contracts.

Naturally, when it comes to a renegotiation, the unions want to catch up, and of course they do. It looks to people as if the trade unions are pushing up wages, and producing inflation.

They are not; they are reflecting inflation, but with a delay.

What looks like cost push inflation is a delayed reaction to last year's demand inflation or that of the year before. Some of you probably are duck shooters, and hunt ducks. You know that when you shoot ducks you have to lead them. You want your bullet to be there when they get there.

Therefore, to say that costs are pushing up prices is exactly like saying, "Those ducks are committing suicide by running into the bullets."

QUESTION. But in the short run, while the lags take time to adjust, you have the problem of poverty in this country, this paradox. Your proposal for minimum income, which is now being adopted, will certainly not keep these people from a starvation level.

What do you propose be done during the adjustment period?

Dr. FRIEDMAN. Well, when did you last beat your wife? Let me examine these things, one after another, if I may.

First of all, I want to make clear that the concept of a poverty income or starvation level are not scientific concepts. If there is one bit of scientific evidence that we have, it is that there is no income so low that people cannot live on lower income. That is evident from all over the world, and over many centuries, so we ought not to use such language if we can avoid it.

I believe that our present welfare program is a terrible program, that it is having awful consequences. I believe that the substitution of a negative income tax, which would guarantee as one of its consequences a minimum level of income, would be an enormous improvement over our present method of handling welfare.

But that has nothing to do with the cyclical problem.

The fact is that people enormously exaggerate the problem that will be produced by the temporary increase in unemployment during a mild recession.

Few things are more meaningless and misleading than unemployment statistics. There are 4 million unemployed today. Who are they? In the first place, a third of them are teenagers; a third are women; only a third are men who are heads of households.

Of the third who are males who are heads of households, something like 30 or 40 per cent are unemployed because they voluntarily decided to be unemployed. They quit their job in order to look for a better one.

Most people who are unemployed are unemployed for a very brief period of time.

As of today, the time between a man being recorded as being unemployed and the time of his getting a job is on the average of about 4.5 weeks.

Of the 4 million unemployed there are 150,000 roughly who have been unemployed for six months or more. They constitute the really hard core problem.

No major problem of the kind you suggest would be produced by temporary rise of unemployment of the kind that will occur.

I tried to argue and talk as loud as I could six months ago that we were in danger of monetary overkill by having too tight a monetary policy, which was going to produce too large a degree of unemployment, and I believe that has come about.

I don't believe we had to have as severe a recession as we're going to have. But we chose to go on that path, or we are on it because somebody made a mistake. This is water over the dam.

The question is, where do we go from here on out? The answer to that is, we continue with our long-range policies of improving our welfare program, of improving unemployment insurance, of doing whatever we may do on the job training front.

We have ample programs of assistance today for those people who are temporarily unemployed, and the intransigence or delays in adjustments by trade unions or by others will not, I think, raise a serious social problem if we have the courage to stick with this moderate policy and wait it out.

QUESTION. How can we compel these politicians in Congress to follow your Scenario No. 2?

Dr. FRIEDMAN. We cannot compel them. We can try to persuade them. We can try to make it politically profitable for them to do it.

As to that, the only way we can do it is by trying to make clear to as wide a range of people as we can what will be the consequences of a shortsighted policy of overreaction.

The first thing we can do is to stop talking the kind of nonsense that I read in the papers coming out of business quarters, such nonsense as that we must have price and wage controls if only temporarily, or such nonsense as that we cannot stand two or three or four months of somewhat higher unemployment, or that we must have drastic measures to help this industry or that industry, that we must have a subsidy for housing, or for the steel industry.

Let me ask this: Am I the only one who has heard businessmen express views in favor of holding down wages or holding down prices by governmental action?

Of course, a businessman will stress wages, but you cannot have wage control without price control.

Am I the only one who has heard businessmen say "After all, it is obvious that by financial tightness or fiscal tightness alone, you cannot stop an inflation which has its core in the organized power of trade unions and industry?" These men go on to say that general measures must be supplemented by at least persuasion of workers and businessmen by Government.

Am I then, the only one who heard these kinds of words, or have the rest of you heard it? The place we begin is by getting people to recognize what dangerous nonsense such statements are. I hope I got some people real mad so they will react.

QUESTION. Dr. Friedman, don't you believe in your estimation that if you don't accept your Scenario No. 2, where you say Federal Reserve monetary policy could be eased a bit to 4½ per cent, that you could inject a liquidity crisis some time in the future if you keep your foot on the brake as during the last six months. Would that be a fair statement?

Dr. FRIEDMAN. The question is about a liquidity crisis.

Let me separate it. You do not get liquidity crises at either low rates of growth of the quantity of money or high rates of growth. You get liquidity crises out of sharp changes in the rate of growth.

If monetary growth is zero percent and kept there, that will produce a decline in GNP. It will force prices down and so on, but it will not produce a liquidity crisis as long as it is stable.

What produced the liquidity crisis in 1966 was the fact that you went from a very rapid rate of growth in the quantity of money to a zero rate of growth in a very brief period of time.

I do think that there would be a serious consequence from maintaining a zero rate of growth in the quantity of money for very long. I trust we're not going to do that. I think there is some evidence that we have already moved away from that posture. I hope that is right. I think it would be just as serious a mistake to maintain it at zero per year as to go on to 8 or 10 per cent.

QUESTION. If based solely on the experience in the monetary and fiscal policies that we have had since World War II you would bet on Scenario No. 1, and if you had been arguing in the recent past against the monetary overkill, which we seem to be suffering from now, how do you rate the chances fifty-fifty between Scenario No. 1 and 2?

Dr. FRIEDMAN. I am a university professor and as such I have to believe that people do learn. I admit that that often flies in the face of evidence.

But I believe that people have learned, to a considerable extent, from the experiences of the past. In particular, the monetary authorities have learned that they should keep their eyes fixed to a greater extent on monetary aggregates than in the past and to a smaller extent on interest rates. That is one reason I am optimistic.

Second, you have had a change of personnel in Washington in the positions of power. Arthur Burns, who is now Chairman of the Federal Reserve Board, is a very different person, with a very different background than was Mr. William McChesney Martin.

Suppose we looked at the *fiscal* reaction to each of the recessions in the post-war period. My impression is that the only one in which we did not have a clear overreaction was the recession of 1953–54.

What distinguishes that reaction? Arthur Burns was Chairman of the Council of the Economic Advisors during that period. It is the only one during which he was Chairman, and the only one in which we did not have an overreaction.

And so I believe there is some reason to believe in terms of his past experience that he will be particularly sensitive to this problem.

There also has been a change of the people who are in the Council of Economic Advisors

and the Treasury, and it is this change of personnel, plus the learning process, which underlies my optimism.

QUESTION. You mentioned the fact that the Federal expenditures have been controlled to a certain extent, to brake the inflation. What about the fact that state and local government expenditures are increasing and have overtaken federal expenditures?

Dr. FRIEDMAN. I was trying to stay away from the issue of fiscal versus monetary policy.

Personally, I feel it doesn't make much difference what the relation of federal or state or local expenditures is, provided we do not let them affect monetary policy.

What is important about keeping down federal spending is that if you start to have large deficits there will be very strong pressure to get the Federal Reserve to monetize those deficits.

On the other hand, if you have a large deficit but do not monetize it, if you kept the quantity of money growing at the same rate, the major effect of the deficit would be on the rate of interest, not on inflation.

So I don't think the growth of state and local expenditures is a very serious matter from this point of view.

QUESTION. Is there any possibility in your mind of any kind of control on consumer credit as an alternative to wage and price controls?

Dr. FRIEDMAN. Are you asking me whether such controls would be effective economically or are likely politically?

QUESTION. Would they be effective economically, and are they possible politically?

Dr. FRIEDMAN. They are possible politically. They will be utterly ineffective economically. They have no effect on inflation.

Their only effect is to divert some credit from one part of the market to another part of the market. Their only effect is to make less credit available to consumers and more credit available to others; to make consumer credit more expensive and to make credit to others a little less expensive. Such controls have no effect whatsoever on inflation, but they are certainly politically possible.

QUESTION. Could you give your estimate of corporate pre-tax profits due to changes in Scenario 1 and 2?

Dr. FRIEDMAN. Since I have no estimates of that, I can give them very readily.

I think the outlook for corporate profits is, so far as this coming year is concerned, that they are likely to be declining, regardless of which scenario you take.

If you come to the longer view, I am not going to give any detailed estimates, but so far as the direction of the effect, under Scenario No. 1, corporate profits will be larger in dollar terms, but they may not be larger in real terms.

Under Scenario No. 1—you will have a great difference for different kinds of enterprises. There are some enterprises that will be affected very severely by price and wage and similar controls, and other corporations which will not. The first will experience real profit difficulties compared to the second.

On Scenario No. 2, corporate profits will be lower in dollar terms, but may very well be higher in real terms when allowance is made for inflation, for price change, because Scenario No. 1 will produce enormous inefficiency; it will produce enormous waste. That is what is wrong with controls. They cause distortion in the pattern of production in the economy.

QUESTION. What is the evidence that monetary policy may be turning?

Dr. FRIEDMAN. That is a very hard question. The question is: What is the evidence that monetary policy may be turning.

There is no positive evidence, but I think there are a number of separate pieces of evidence which point in that direction.

Piece of evidence No. 1 is that the monetary base—high-powered money—has been rising since last October.

Piece of evidence No. 2 is the expression of opinion by a number of members of the Federal Reserve Board publicly, and also as reported in the minutes of the Open Market Committee that the Fed ought not to stop interest rate declines.

Evidence No. 3 is that you have been having interest rate declines. Interest rates have been coming down.

Evidence No. 4 is that whenever you are at such a turning-point as you are now in the cycle, the way in which the Fed has in the past operated produced an automatic tendency for the quantity of money to go down. It hasn't gone down. If anything, it has gone up a little. This suggests that they must be pushing against that automatic tendency since December.

Evidence No. 5 is that the logic of the situation as interpreted through Federal Reserve eyes, not through my eyes, calls for a change in policy.

I want to say one more thing to you gentlemen that I was saying to some of the newspaper people before.

I wish the Financial community would bring some pressure to bear to end the absurd and silly practice that you have today of keeping secret for three months the directives issued by the Open Market Investment Committee at its meetings, and the minutes of these meetings.

I cannot see any harm that would be done by making the directive available on the day on which it is adopted.

It ought to be open, public information and not something that people have to gossip about or guess about or seek inside sources of information.

If there is concern that it would produce speculative flurries, you could very readily have meetings of the Open Market Investment Committee shifted to a Friday from a Tuesday.

The directive and the minutes could be released Friday night after the markets have closed, so everybody would have Saturday and Sunday in which to absorb it.

I would hope that our mass media, as well as the rest of you, would urge this greater degree of frankness between the Fed on the one hand, and the public at large on the other.

Chairman GORDON. I hate to break up this most stimulating question and answer period, but I promised you gentlemen that you would be out of here promptly. I know some of the press may have some additional questions. If they want to stay on and ask them of Professor Friedman, I know he will stay for a while.

In the meantime, I would like to say thank you very much to Professor Friedman, and thank you, gentlemen, again, for coming and being our guests.

CRIME PREVENTION

Mr. TYDINGS. Mr. President, considerable controversy has arisen over the proposal I introduced in the Senate to control crimes committed with firearms.

The controversy over my proposed legislation has resulted from a deliberate effort of political forces who oppose this legislation to cloud and distort this vital law enforcement issue.

I want at this point to set the record straight about my gun crime control bill and to clear up any misunderstanding about it.

Mr. President, I consider the escalating crime rate among the most critical problems this nation faces today. For that reason I have introduced 45 separate pieces of anticrime legislation in this Congress to provide law enforcement officers with the tools they need to defeat the criminal element.

No part of my comprehensive anticrime program is more important, however, than the measure I have introduced to control the access to guns of criminals who would use them for no other purpose than to commit crimes against law-abiding members of our society.

Basically, my gun crime control proposal contains two simple ideas:

First. All persons who wish to purchase guns or ammunition would first have to acquire an identification card or a license from either local authorities or a local gun dealer. This card would automatically be issued to all citizens over 18 who have not been convicted of a felony, or institutionalized for narcotics addiction, lunacy, or alcoholism.

Second. All firearms—not antiques—would be registered by filling out a simple form with make, caliber, and registration number.

Both the licensing and registration provisions in my legislation would be effective tools for police in reducing the number of crimes committed with firearms. These tools have been requested by law enforcement officers from around the country.

My bill in no way restricts or inconveniences gun ownership or use by sportsmen or law-abiding citizens. My bill imposes no fees against firearms owners or taxes on firearms. My bill prohibits confiscation or restriction of guns from any law-abiding citizen. Any law-abiding citizen could own as many guns as he wishes.

To further clear up my position on gun crime control, a series of documents concerning the gun crime issue. These documents include:

First. A summary of the Tydings Anticrime Gun Proposal.

Second. A Brief Summary of the Firearms Problem in the United States.

Third. Public Opinion Polls on Anticrime Measures.

Fourth. A Summary of the Maryland State Firearms' Laws.

Fifth. The Present Federal Gun Crime Control Laws.

Sixth. Significant News Articles on Controlling Gun Crimes.

I ask unanimous consent that these documents be printed in the RECORD.

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

A SUMMARY OF THE TYDINGS' ANTICRIME GUN PROPOSAL

The Tydings proposal is designed to disarm the criminal without inconveniencing the sportsmen or law-abiding citizens who have a right to possess and use firearms.

Basically, the Tydings proposal contains two simple ideas:

1. All persons who wish to purchase guns or ammunition first would have to acquire an identification card or license from either local authorities or a local gun dealer. This card would automatically be issued to all citizens over 18 who have not been convicted of a felony or institutionalized for narcotics addiction, lunacy, or alcoholism.

2. All firearms (not antiques) would be registered by filling out a simple form with make, caliber, and registration number.

Both the licensing and registration provisions in Senator Tydings' proposal are effective tools against gun-crime. The licensing provision would provide an effective way to keep guns out of the hands of criminals who would use them to commit crimes against society. Criminals couldn't get a license to buy guns. Since a sportsman or other law-abiding citizen would obtain a license automatically from his own local licensed gun dealer, the licensing provision in the Tydings' proposal would cause virtually no inconvenience for the law-abiding citizen who possesses a firearm.

Registration of firearms was requested by law enforcement officials across the country as an effective tool to return lost or stolen guns to their owners and to help police trace weapons used in crimes. The Tydings' proposal includes that request.

Under the Tydings' proposal, there would be no fees assessed against firearms owners or taxes permitted on firearms.

Under the Tydings' proposal, confiscation or restriction of guns from any law-abiding citizen will be prohibited. Any law-abiding citizen could own as many guns as he wishes.

Here is a summary of what the Tydings' bill does:

1. Requires an identification card to purchase or possess a firearm.

2. Denies such cards to felons, adjudged addicts and lunatics, and juveniles.

3. Authorizes any licensed firearms dealer to issue the identification cards, after checking briefly with state or federal records to make sure the applicant has no felony, addict or insanity judgments against him.

4. Requires filing (by mail) with a law enforcement agency the identification number, make, and model of presently-owned or future-purchased firearms.

Here is what the Tydings' bill *does not do:*

1. The Tydings' bill *does not* permit confiscation of any firearms, except from felons, lunatics, addicts, and juveniles (except juveniles can use firearms for lawful purposes with the consent of the firearms lawful owner).

2. It *does not* permit taxation of firearms or firearms owners or users. (All licensing and registration procedures under the bill would be at government expense, as a law enforcement measure.)

3. It *does not* involve excessive costs. Since both the ID card and registration would be lifetime in duration, the *total* cost to the government would be only a fraction of the present *annual* cost of automobile licensing and registration. (The Justice Department estimates that about 100 million guns are now in the hands of 42.5 million private gun owners in the United States. The Census Bureau reports there are more than 100 million licensed vehicles and 105 million licensed drivers in the United States today.)

4. It *does not* create a way for a dictator to locate privately-owned weapons. The idea of a dictator taking over our country is absurd. But, in any case, state hunting license records and the national membership lists of sports organizations like the NRA already have the names of most hunters and gun sportsmen in America.

BRIEF SUMMARY OF THE FIREARMS PROBLEM IN THE UNITED STATES

1. Homicide by gun:

(a) 1964—5,090 gun murders—55% of the total homicides.

(b) 1965—5,634 gun murders—57% of the total homicides.

(c) 1966—6,552 gun murders—60% of the total homicides.

(d) 1967—7,700 gun murders—63% of the total homicides.

(e) 1968—8,930 gun murders—65.4% of the total homicides.

2. Rifle and shotgun murders:

(a) 1964—1,527 long gun murders.

(b) 1965—1,690 long gun murders.

(c) 1966—1,747 long gun murders.

(d) 1967—1,814 long gun murders.

(e) 1968—2,050 long gun murders.

3. Law enforcement officers killed in line of duty:

(a) Since 1960, firearms have been the weapon in 96% (455) of all 475 murders of police officers.

(b) In 1968, 64 police officers were killed in the line of duty and 61 of them were killed by firearms.

(c) Of the 475 officers killed, 71 were killed in northeastern states, 84 in western states, 112 in north central states, and 208 in southern states. (The most stringent gun control laws exist in northeastern states; the weakest are in southern states.)

4. Aggravated assault by gun:

(a) 1964—27,700.

(b) 1965—34,700.

(c) 1966—43,500.

(d) 1967—52,950.

(e) 1968—65,250.

During the five years, 1964–1968, assaults with a gun increased 117%. Regionally, during 1968, 15.7% of the aggravated assaults committed in northeastern states were committed with a gun; 22.5% in western states; 25.3% in north central states; and 26.5% in southern states.

5. Armed robbery by gun:

(a) 1964—52,000.

(b) 1965—59,300.

(c) 1966—73,000.

(d) 1967—99,000.

6. Firearms control in other nations:

(a) Britain requires a certificate from local police before a long gun can be purchased.

(b) In a recent three-year period in England and Wales, of the 400,000 criminals arrested, only 159 were carrying guns.

(c) In England, guns are used in 10% of the homicides; in the United States, 65.4%.

(d) France requires police permits for handguns and military rifle purchases.

(e) Sweden requires a need for a gun and demonstrated knowledge of its use.

(f) Germany issues permits only to registered hunters and members of shooting clubs.

(g) Japan prohibits entirely private ownership of guns.

(h) Canada requires registration of all handguns.

7. Deaths from firearms in the United States:

Year	Homicides	Suicides	Accidents
1960	4,627	9,017	2,334
1961	4,753	9,037	2,204
1962	4,954	9,487	2,092
1963	5,126	9,595	2,263
1964	5,474	9,806	2,275
1965	6,158	9,898	2,344
1966	6,855	10,407	2,558
1967	8,322	10,550	2,896
Total	46,269	77,797	18,966

8. DEATHS BY FIREARMS

	Assault		Suicide		Accident		
	Number	Rate[1]	Number	Rate	Number	Rate	Population
United States	8,332	4.2	10,550	5.3	2,896	1.5	190,000,000
Australia: 1967	66	.56	357	3.02	77	.65	11,810,000
Belgium:							
1967					14	.15	9,581,000
1966	17	.18	74	.78			
Canada: 1966	98	.5	609	3.1	197	1.0	19,604,000
Denmark: 1967	5	.10	38	.79	3	.06	4,839,000
England and Wales: 1967	48	.10	193	.40	63	.13	48,391,000
North Ireland: 1968	2	.13	5	.33	3	.20	1,502,000
Scotland: 1968	2	.04	18	.35	10	.19	5,188,000
France: 1967	121	.24	990	2.0	248	.50	49,548,000
German Federal Republic: 1967	106	.18	640	1.11	69	.12	57,699,000
West Berlin: 1967	7	.32	16	.74	2	.09	2,173,000
Italy:							
1967					155	.30	52,354,000
1966	186	.36	332	.64			
Japan:							
1967					82	.08	99,918,000
1966	20	.02	68	.07			
Netherlands: 1968	9	.07	13	.10	2	.02	12,598,000
Sweden: 1967	11	.14	180	2.29	26	.33	7,868,000

[1] Rate per 100,000 population.

PUBLIC OPINION POLLS ON ANTICRIME MEASURES

Harris Survey, June 1968—81% of the American people favor registration of all firearms.

Harris Survey, April 1968—By 71 to 23%, the American people favor the passage of federal laws that would place tight controls over the scale of guns in this country.

A cross-section of 1,634 homes was asked this question on gun control legislation:

"Do you favor or oppose Federal laws which would control the sales of guns, such as making all persons register all gun purchases no matter where they buy them?"

[In percent]

	Favor	Oppose	Not sure
Nationwide	71	23	6
East	70	20	10
Midwest	69	27	4
South	71	22	7
West	77	22	1
Own gun	65	31	4
Don't own gun	79	13	8
Whites	71	23	6
Negroes	69	23	8

The patterns of gun ownership show wide variation by region, size of place, and by race:

"Do you or does anyone in your house own a gun?"

[In percent]

	Own gun	Don't own gun
Nationwide	51	49
East	34	66
Midwest	55	45
South	64	36
West	53	47
Cities	27	73
Suburbs	47	53
Towns	58	42
Rural	78	22
All whites	55	45
Whites under $15,000 income	47	53
All Negroes	32	68
Negroes under $15,000 income	36	64

Harris Survey, September 1967—By a decisive 66–to–28% margin, white gun owners favor passage of a law in Congress which would require that all persons "register all

gun purchases no matter where they buy them."

The cross-section of white gun owners was asked:

"Do you favor or oppose federal laws which would control the sale of guns, such as making all persons register all gun purchases no matter where they buy them?"

[In percent]

	Favor	Oppose	Not sure
All white gun owners	66	28	6
By region:			
East	70	21	9
Midwest	70	25	5
South	62	27	11
West	56	40	4

Gallup Poll, September 1966—The mood of the public for nearly three decades has been to impose controls on the sale and possession of weapons.

The survey questions and findings:

"Would you favor or oppose a law which would require a person to obtain a police permit before he or she could buy a gun?"

[In percent]

	All persons	Gun owners
Yes	68	56
No	29	41
No opinion	3	3

SUMMARY OF THE MARYLAND STATE FIREARMS LAW

The law prohibits the carrying or wearing of a handgun or "other dangerous or deadly weapon" concealed on or about the person.

The carrying of a handgun "or any other dangerous or deadly weapon of any kind" concealed on the person or openly with the intent to injure another unlawfully is a misdemeanor (penalty for conviction: fine of not more than $1,000 or imprisonment for not less than six months or more than three years). Upon conviction for carrying concealed or openly with the deliberate intent to injure or kill another, the court must impose a sentence of three years imprisonment.

The law prohibits any minor from carrying, either openly or concealed, any deadly or dangerous weapon in Cecil, Anne Arundel, Talbot, Harford, Caroline, Prince Georges, Montgomery, Washington, Worcester and Kent Counties between one hour after sunset and one hour before sunrise, except while on a bona fide hunting trip, or while engaged in or on the way to or returning from, a sport-shooting event or any organized civic or military activity.

No dealer may sell or transfer any handgun until seven days shall have elapsed after the time of application for purchase by the prospective purchaser and forwarding of the application by the prospective seller to the Superintendent of State Police. During that period of time, the Superintendent, or his designated agent, shall conduct an investigation to determine the truth or falsity of the information and statements in the application.

Application for the purchase or transfer of a handgun shall contain information fully identifying the applicant, and a statement that the applicant (1) has never been convicted of a crime of violence; (2) is not a fugitive from justice; (3) is not an habitual drunkard; (4) is not an addict or habitual user of narcotics, barbiturates or amphetamines; (5) has never spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless there is attached to the application a doctors' certificate, issued within 30 days prior to the date of the application for the purchase or transfer of a handgun, certifying that the applicant is capable of possessing a handgun without undue danger to himself or others; (6) is at least 21 years of age; and (7) has or has not submitted a previous application and, if so, where and when.

If the application contains any false statement or information, or if the application has been improperly completed, the Superintendent must notify the prospective seller in writing within seven days from the date the application was mailed of his disapproval of the application. The Superintendent must also notify the prospective purchaser.

No dealer may sell or transfer a handgun to an applicant whose application has been disapproved, unless the disapproval has been subsequently withdrawn by the licensing authority or overruled by court action.

If an application has been disapproved by the Superintendent, the applicant may request, within 30 days after the written notice of disapproval, a hearing before the Superintendent who must grant the hearing within 15 days of the request. Continued denial of the application may be appealed to the courts within 30 days of final action by the State Police.

All dealers in handguns must be licensed by the state in addition to having any other licenses that may be required by law. Application for a dealer's license is made to the Superintendent of State Police. The applicant for the license must also complete a statement containing the same information required of the applicant for the purchase or transfer of a handgun. The provisions for an appeal of the denial of the application are the same as are available to the applicant for the purchase or transfer of a handgun.

The initial fee for a handgun dealer's license is $25 and the annual renewal of such license is $5.

A dealer who sells or transfers a handgun must forward a written notification of the transaction to the Superintendent within seven days of delivery of the handgun. The Superintendent must maintain a permanent record of all completed sales and transfer of handguns.

All previous restrictions imposed by any law, ordinance, or regulation of any subordinate jurisdiction within the state on the possession or transfer by private persons of handguns is superseded by the state law. The state preempts the right of any subordinate jurisdiction to regulate the possession and transfer of handguns.

No person may sell or transfer a handgun to a person whom the seller or transferrer knows, or has reasonable cause to believe, has been convicted of a crime of violence, or of any of the provisions of the state handgun law, or is a fugitive from justice, or is an habitual drunkard, or is addicted to or an habitual user of narcotics, barbiturates, or amphetamines, or is of unsound mind, or to any person visibly under the influence of alcohol or drugs, or to any person under 21 years of age. Further, any person falling under any of the foregoing may not possess a handgun.

No person may sell or otherwise transfer *any* firearm, or ammunition therefor, to a minor under 18 years of age without the express permission of the parent or guardian of such minor. However, a minor under 18 may use firearms under the guidance of any adult or qualified supervisor or instructor of a recognized organization engaged in the instruction of marksmanship.

The requirements and restrictions pertaining to the sale or transfer of handguns do not apply to antique or unserviceable firearms sold or transferred and/or held as curios or museum pieces.

No state license or permit is required to purchase or possess a rifle, shotgun, or handgun.

The state law requires that a person purchasing smokeless powder or "gunpowder" for the purpose of making cartridges and shells for personal use and not for sale must obtain a "hand manufacturer's license". The licensee is limited to not more than 10 pounds of powder in his possession at any one time. The license, for which the fee is $1, is obtainable from the Insurance Commissioner of Maryland at the Insurance Department, Baltimore.

THE PRESENT FEDERAL GUN-CRIME CONTROL LAWS

There are numerous federal laws which concern the possession, transportation, or transfer of the kind of firearms normally owned and used by hunters and sportsmen. Here follows a brief summary of the three most important firearms laws:

GUN CONTROL ACT OF 1968

Administered by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service, this Act, concerning the sale of firearms:

1. Requires the licensing of manufacturers and importers of, and dealers in, firearms and ammunition. (Antique firearms are excluded from this Act.)

2. Prohibits over-the-counter sales of rifles or shotguns, or rifle or shotgun ammunition, to persons under 18, and handguns, or handgun ammunition, to persons under 21.

3. Permits sale of firearms to residents of a contiguous state that authorizes such sales, and under a sworn statement procedure.

4. Permits sale, under a sworn statement, of rifles or shotguns to non-residents who are engaged in hunting or competition and whose firearms have been lost or stolen or have become inoperative.

5. Prohibits non-licensees from selling, trading, giving, transporting, or delivering firearms to non-resident non-licensees.

6. Permits the lending or renting of firearms to non-residents for temporary use for lawful sporting purposes.

7. Prohibits sale or delivery of firearms or ammunition by licensees in violation of state or local law.

Concerning the transportation of firearms, this Act:

1. Prohibits, with certain exceptions, the transportation, shipment, or receipt of firearms or ammunition in interstate or foreign commerce by other than federal firearms licensees.

2. Prohibits shipment, transportation, or receipt of firearms in interstate or foreign commerce by fugitives from justice, unlawful users of narcotics or drugs, and adjudicated or committed mental defectives, persons under indictment for a crime punishable by imprisonment for more than one year.

3. Prohibits the shipment, transportation, or receipt of stolen firearms or ammunition, or firearms in which the serial number has been removed, obliterated, or altered.

In other provisions, this Act:

1. Requires that all firearms imported or manufactured on or after December 16, 1968, have serial numbers.

2. Requires the licensing of collectors who acquire or dispose of firearms or ammunition as curios or relics in interstate or foreign commerce.

3. Requires a permit from the Alcohol and Tobacco Tax Division for the importation of firearms and ammunition (importation of military surplus firearms prohibited).

NATIONAL FIREARMS ACT OF 1934—AS AMENDED

Administered by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service, this law is aimed against "gangster weapons" and imposes a tax and registration on the making or transfer of:

1. Fully automatic firearms.

2. All rifles with barrels less than 16 inches in length and shotguns with barrels less than

18 inches in length (sawed-off rifles and sawed-off shotguns).

3. Firearms made from a rifle to a shotgun and having an overall length of less than 26 inches.

4. Handguns with shoulder stocks.

5. Certain other concealable firearms except pistols or revolvers.

6. Silencers or mufflers.

7. Destructive devices such as bombs, grenades, rockets, missiles, mines, and weapons having a barrel with a bore of one-half inch or more, except shotguns or rifles used for sporting purposes or antiques.

Manufacturers or importers of, and dealers in, the foregoing firearms or destructive devices, must pay occupational tax.

No firearm or destructive device as defined in the Act may be imported or brought to the United States or any territory under its control or jurisdiction unless the firearm or device is being imported or brought in:

1. For the use of a federal, state, or local government agency.

2. For scientific or research purposes.

3. For testing or use as a model by a registered manufacturer or solely for use as a sample by a registered importer or dealer.

OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968—TITLE 7, AMENDED

Administered by the Alcohol, Tobacco, and Firearms Division of the Internal Revenue Service, Title 7 prohibits the transportation, possession, or receipt of any firearm in interstate or foreign commerce by convicted felons, persons dishonorably discharged from the Armed Forces, adjudicated incompetents, aliens illegally in the United States, and former citizens who have renounced their citizenship.

GUN CONTROL—NOW!

(By Carl Bakal)

This year's tragic assassinations in Memphis and Los Angeles were the most recent and visible symptoms of a strange and peculiarly American plague that has long swept our land—a plague of guns.

Bullets have been aimed at seven and killed four of our 20 Presidents within the past 100 years. Since the turn of the century, guns have brought death to the astonishing total of 750,000 Americans—more than the 627,000 killed in all of our wars. Fatal shootings increased to a record high of 19,815 in 1966, or nearly 54 a day!

The United States is, in fact, virtually an armed camp. There are an estimated 50 to 200 million privately owned guns in this country today. Over a million guns were imported, and more than two million were made and sold here, last year. Every other American household, according to a Gallup poll, has at least one gun; in the South, there are guns in two homes out of three. In California, where dealers must report sales of concealable weapons, about three million handguns are recorded with the state Department of Justice.

At the same time, the United States has the dubious distinction of being perhaps the most lawless nation on earth. Since 1960 the nation's crime rate has increased 48 percent, five times faster than our population. That most heinous of crimes—murder—occurred 10,920 times in 1966, more than once every hour of every day. You would be safer in almost any other country. Japan has a murder rate of about a fourth of ours, France a seventh and England and Wales only an eighth.

It would be neither fair nor entirely accurate to say that "guns cause crime." But there is ample evidence indicating a causal relationship between the ready availability of the firearms and the importance they assume in crime statistics. Of the 10,920 U.S. murder victims reported in 1966, 60 percent or over 6500, were killed by guns. By contrast, of the 1469 homicides in Japan in a comparable period, only 37 were by firearms, and of 309 murders in England and Wales, only 29 were by firearms.

License to Kill. Where guns can be more easily purchased, they play a greater part in murder. Thus, firearms accounted for 38 percent of such killings in the northeast United States, where there are some gun restrictions, against 66 percent in the South, where there are fewer controls and where handguns are displayed, like shoes, for anybody's buying. FBI Director J. Edgar Hoover has commented: "A review of the motives for murder suggests that a readily accessible gun enables the perpetrator to kill on impulse."

No other modern nation makes death-dealing weapons so freely and cheaply available. Even the new gun-control bill passed by Congress in June on the day Robert F. Kennedy died was, as President Johnson put it, a "halfway measure." It restricts sales of pistols and revolvers. But virtually anyone old enough to walk into a sporting-goods store and peer across the counter can still buy some sort of gun, with no questions asked. Anyone able to write—a child, ex-convict, drug addict or lunatic—can order some sort of gun by mail and get it.

Only eight states require you to have a license or permit before you buy a handgun: Hawaii, Illinois, Massachusetts, Michigan, Missouri, New Jersey, New York and North Carolina—plus some counties of Virginia. Ten states and the District of Columbia specify a waiting or "cooling off" period (48 or 72 hours) between the time you buy the gun and are actually allowed to have it. This ostensibly gives the local constabulary the chance to check the buyer's credentials, or allows the heat of passion prompting a purchase to subside.

Other states prohibit the sale of guns to certain proscribed categories of persons: those "under the heat of passion" (Texas), persons of unsound mind (Pennsylvania), idiots (New Jersey), tramps, drug addicts, drunks, felons, fugitives from justice, etc. But in these cases, judgment of the customer's condition, character and other qualifications is simply left to the gun salesman.

Most states (all but nine) do prohibit the sales or delivery of firearms to those below a certain age. In Utah and Oregon you must be all of 14, and in Rhode Island, 15—still somewhat below the usual minimum age requirement for driving or drinking. Elsewhere, the gunwielding minimum age usually varies from 16 to 21, although what this ordinarily means is that you have to *look* a certain age. Few dealers are fussy enough to ask to see birth certificates.

Only one state, New York, through its well-known Sullivan Law, requires you to have a license both to purchase and to possess a handgun. The other 49 states permit you to have a pistol without a license as long as you keep your gun at home, or, in 36 states, as long as you carry it about openly. Some of these states impose certain "restraints" on this privilege. In Texas, you can carry a handgun only if you're "traveling." Hence every Texan is a traveler.

In the 28 states in which you need a license to carry a handgun openly or concealed (some states flatly prohibit the carrying of concealed weapons), getting the license is no more complicated or expensive than getting a dog license. Supposedly prerequisite is the absence of a criminal record. However, only a half a dozen states make mandatory the taking of fingerprints, which is the only reliable means of checking for a criminal record. And in fewer than half our states are dealers required to report handgun sales to the police.

License and Register. Most serious students of the gun problem are of the firm opinion that all guns, like cars, should be registered. Moreover, they feel that guns should be sold only to persons at least 18 or 21 years old, with permits or licenses.

Obviously, the great majority of guns are owned by honest, lawabiding citizens; mostly they are used for hunting and target-shooting. Effective gun registration would not affect such use.

"If a person has nothing bad in mind," a Treasury Department official told me, "there is no reason in the world why he should object to there being a record of the fact that he has a gun." Or as U.S. Attorney General Homer Cummings put it three decades ago, "Show me the man who doesn't want his gun registered, and I will show you a man who shouldn't have a gun."

If gun buyers are licensed, it follows that gun dealers should be, too. Only 23 states and the District of Columbia now license handgun dealers. Much more care should be taken in the issuance of licenses. The federal licenses required of interstate dealers are given out to anyone, except a convicted felon, who can pay the $1 cost. More rigid screening, comparable to that required for dealers in products such as liquor and drugs and for private investigators, does not seem unreasonable.

With the exception of the United States, most civilized countries make it illegal for anyone to own a firearm without some sort of special permit. In Great Britain, for example, you need a certificate from the local police in order to buy or own a gun. Since few people can give any valid reason for wanting a pistol or revolver, certificates for them are rarely issued. Even the police do not carry guns routinely. Nor do prison guards, or guards employed by armored-car delivery services. The only bodyguards normally armed are those assigned to protect the members of the royal family and the prime minister. Of all the 700,000 arrested in England and Wales over a recent three-year period, only one half of one percent involved firearms. Shootings, by comparison with the U.S. total, are negligible.

The British, however, are not entirely without firearms. Britain has 4900 shooting clubs. Valid sportsmen can avail themselves of shotguns and air guns, but they can be used only in specified places.

Similar restrictions on firearms and on ammunition apply in most European countries. In France, all guns must be registered, and possession is rigidly restricted to those with police permits. In addition, users of these guns are allowed only a limited supply of ammunition, and need special permission to buy more. In the Netherlands, no firearms can be lawfully bought or owned without a permit. When applying for a license in Sweden, you must also show that you know how to handle the gun.

Japan prohibits entirely the private ownership of handguns. If you are 18 or over you can buy a shotgun or rifle for hunting, but it must be registered and checked annually by the police. Japanese law also requires that you take three hours of instruction and pass a written examination before being issued a hunting license.

Stain of Violence. Short of outlawing all firearms, what can be done to reduce the danger to all of us?

The bill passed by Congress in June does a few things: It outlaws interstate mail-order sales of handguns to individuals, and limits counter sales to persons 21 or older, who reside in the same state as the dealer. It sets stricter standards for obtaining a dealer's license. But more must be done. In a 1964 address before an American Bar Association panel, U.S. Court of Appeals Judge George Edwards of Detroit outlined three essential steps:

1. The manufacture, sale and possession of handguns suitable for concealed weapons should be prohibited by state and federal

law, except where sale and possession are the subject of a permit provided by state law. Such laws should provide for court review of denial.

2. The purchase and possession of rifles or shotguns should be a matter of right for any law-abiding citizen. Such weapons should be registered under state law and sold only on proper identification. The purchase or possession of a rifle or shotgun by a person with a felony record should be made illegal, unless he possesses a permit, issued on a showing of a subsequent record of good citizenship of some length.

3. Interstate mail-order sale or delivery of firearms of any kind should be banned by federal law. (As of late June, sentiment appeared to be growing in Congress to prohibit mail-order sales of rifles and shotguns, as well as handguns.)

Such a system would prevent the impulsive purchase of weapons and would enable law-enforcement officers to keep track of who was armed with what in case of a shooting. Gun purchasers would have to show identification and sign their names (in most states today such proof and signature are not required) before they can pick up their guns, after the specified waiting period. Ammunition, it follows, would be sold only to holders of firearms permits, which would be required of present as well as prospective gun owners.

Soon after the assassination of his brother, and again a year ago, Sen. Robert F. Kennedy appeared before the subcommittee on juvenile delinquency, chaired by Sen. Thomas J. Dodd, and pleaded for the regulation of all firearm sales. All citizens should ponder his sober words of warning:

"We have a responsibility to the victims of crime and violence, a responsibility to think of the tragedy of sudden death. It is a responsibility to put away childish things—to make the possession and use of firearms a matter undertaken only by serious people who will use them with the restraint and maturity that their dangerous nature deserves—and demands. The time for enactment of legislation is now. It would save hundreds of lives in this country and spare thousands of families the grief and heartbreak that may come from the loss of a husband, a son, a brother or a friend.

"It is past time that we wipe out this stain of violence from our land."

[From the Wall Street Journal, Oct. 7, 1969]

VIOLENT CRIMES DROP IN TOLEDO AFTER IT GETS LAW CONTROLLING GUNS

(By Jerry Landauer)

TOLEDO.—This city of 400,000 on the western tip of Lake Erie was once known as the gun capital of the Midwest. Firearms of all kinds could be bought at jewelry stores, gasoline stations and pawn shops. Gun dealers hawking pistols for as little as $4.95 vied for choice locations along roads leading in from Detroit, where controls were stricter. The crime rate soared.

The state legislature declined to restrict the trafficking in lethal weapons despite repeated appeals from Toledo officials. So in August 1968, the city council enacted an ordinance aimed especially at the sale of "Saturday-night specials"—cheap guns toted by holdup men to terrorize merchants on busy weekends. The ordinance prohibits anybody in the city from keeping or obtaining a pistol, revolver or other handgun without a license from the police.

At the time, few law officers believed the ordinance would reverse the city's mounting crime rate; unlicensed residents can still buy guns outside the city limits. But whether because of the gun-control law or because of other anticrime measures or even mere chance, crime is abating here while still surging higher in most cities.

DRAMATIC STATISTICS

This development shows up most dramatically in statistics released late last month by the FBI. For the nation, the violent crimes of rape, murder, robbery and aggravated assault—armed or otherwise—rose 9% in the first six months of 1969 from the like period last year. But in Toledo these violent crimes dropped 31.5% from the first half of 1968. "We're the only major city which shows such a dramatic decrease," exults John J. Burkhart, the city's chief counsel.

Indeed, crime in most other cities that have adopted gun controls, such as Washington, D.C., continues to move up pretty much in step with the national pattern. "Even if firearms were totally eliminated," contends a gun-control foe, "other weapons would be substituted."

However, crimes committed with a gun in Philadelphia have dropped since that city adopted a licensing law in 1965, even though the law exempts firearms owned at the time. In New York, Mayor John Lindsay credits gun laws with keeping murder rates low; despite its rising crime, New York often ranks lowest among the 10 largest U.S. cities in number of homicides per 100,000 population.

But Toledo's experience is unique. It may be traceable in part to special restrictions on gun dealers as well as owners, to a tough, well-publicized court crackdown on violators of the control law and to other city efforts against crime.

CRIME CATEGORIES ANALYZED

Whatever other factors may enter in, gun-control advocates insist that a close look at developments in major crime categories here supports their case:

—In the year before the ordinance was adopted, Toledo's police counted 422 aggravated assaults, with guns and without; these include shootings, stabbings and other attacks intended to maim or kill. In the year after enactment, the number of such attacks dipped 9% to 385. But the assaults with guns dropped much more steeply—from 152 to 83, or 45%.

—In the year before the ordinance, 36 people were murdered, 22 by handguns; in the following year, murders totaled 14, of which eight were by gun. (Because murders with other weapons dropped at roughly the same rate as murders with guns, it's possible that some factor other than the control law may be at work.)

—Robberies both armed and unarmed dropped from 1,188 in the year before gun control to 798 in the next year, a decline of 33%. But gun robberies dropped even more sharply—from 350 to 160, or 54%.

RIFLE GROUP'S VIEW

Statistics can be tricky, of course. Woodson D. Scott, a New York attorney who is president of the National Rifle Association, an opponent of most gun control, says: "The statistics only prove that the statistics are down. In terms of cause and effect, it doesn't prove a thing."

The unexpected crime statistics have sent city counsel Burkhart scrambling to recheck them. "I've gone over every possible angle to see whether there might have been a mistake. I can't find any," he reports.

"I'm as much puzzled as anybody," Mr. Burkhart adds, noting that Toledo enacted its ordinance primarily to persuade the legislature that gun controls can be imposed with little inconvenience and minimum intrusion on citizens' rights. "It was really an effort to sell the General Assembly," says the city counsel. "I didn't think we'd be able to make an impact on crime in less than three or four years."

His caution in checking and interpreting the statistics arises partly from the gun law's relatively lenient licensing standards. Unlike New York's Sullivan Law, the Toledo plan doesn't require residents to show good cause for possessing a gun. Instead, the police must issue a numbered "handgun owner's identification card" costing $3 and good for three years to all applicants except fugitives, minors under 21, certified mental cases, narcotics addicts, habitual drunks or people who have been convicted twice in the past year of crimes involving the use or threat of force.

So far the police have issued 16,000 ID cards; roughly 100 applications have been rejected. It also seems likely that some people have been deterred from buying guns because, for various reasons, they did not want to apply to the police for a license.

Police Chief Anthony Bosch reports the law has had a harsh effect on gun dealers who formerly sold to almost any cash customer. One such dealer ran Toledo's biggest gun store in a seedy neighborhood on Jackson Street just five minutes from Interstate Route 75 linking Toledo and Detroit. In one nine-month period, his register rang up sales of 16,000 guns, including 5,500 to residents of Michigan who couldn't legally buy at home without a police permit (the revolver used in the highly publicized 1966 synagog slaying of Detroit Rabbi Morris Adler came form Toledo). But now, along with perhaps half the other gun outlets in town, the big store stands abandoned.

Besides the Toledo gun law's licensing provision, it requires detailed monthly gun sales reports to the Toledo police. It also prohibits selling to out-of-towners who aren't armed with authorization from their local police chief or sheriff.

SEVERE SENTENCES

"The sale of cheap guns is down to nothing," Chief Bosch says. "The punk who walks down the street, buys a gun and knocks off a gas station—that's all been eliminated."

In municipal court, Judge George M. Glasser says severe sentencing of violators may be another reason for the gun law's apparent effectiveness. Already, court records show, city judges have packed 37 people off to jail (the average is 90 days), mainly for possessing a gun without a license. In addition, judges have imposed 27 fines ranging from $25 to $1,000.

"The word is out that you can't just carry a gun around here without doing days in the workhouse," says Chief Counsel Burkhart, praising newspapers, radio and television for publicizing the court crackdown.

(In contrast to Toledo, crime-ridden Washington can impose penalties no harsher than 10 days in jail or a $30 fine—the maximum allowed by Congress. So far there have been no prosecutions.)

In the mayor's office here, square-jawed ex-Marine William J. Ensign cites other measures that may have helped bring crime down. He points to improved street lighting; an expanded, improved police department; an active program to prevent juvenile crime; an ordinance making it a crime to harass or abuse school children or newsboys; more effective probation and parole procedures, and a 4,000-member citizens group that distributes cards pledging people to cooperate with the police whenever possible.

INQUIRIES FROM OTHER CITIES

Mayor Ensign also feels sure that the gun law helps a lot. "You just know that the unavailability of guns has got to be a big factor," he observes. Officials in other cities think so, too. The drop in crime here is drawing inquiries about the Toledo ordinance from Wichita, Los Angeles, Dayton, Cleveland, Baltimore and Cincinnati.

As these inquiries suggest, the gun-control controversy may be shifting to the cities, while antigun agitation in Washington and in state capitals is losing steam. Last year,

of course, Congress banned mail-order sales of all firearms across state lines except to licensed dealers and prohibited dealers from selling handguns over the counter to out-of-state customers. One hope was to encourage state and local governments to enact stricter controls.

One Federal official who has urged local authorities to act is FBI Director J. Edgar Hoover. He has said: "I see no great problem to the individual in requiring all guns to be registered, if the owner has nothing to hide and if he is a law-abiding citizen."

But some local policemen oppose municipal gun controls. Deputy Chief Lloyd Forbus of the Columbus, Ohio, police force, for example, asserts that the possible crime-curbing effects of local gun-control laws don't justify violating a cardinal principle of the National Rifle Association—that restrictions should be aimed only at those who misuse firearms. Mr. Forbus is an NRA member and serves as a sale manager for a gun wholesaler in his spare time.

Many hunters, marksmen and gun collectors remain convinced that ordinances such as Toledo's will eventually disarm the law-abiding citizenry.

[From the Wall Street Journal, Apr. 23, 1970]

POOR PROTECTION

(By Alan L. Otten)

WASHINGTON.—One of the capital's favorite phrases, often abused, is the one about "an idea whose time has come." Over the years, the time apparently came for such diverse notions as civil rights and nuclear test bans, Medicare and clean air, and scores more.

Somehow, the time has never seemed to come for one particular idea: Tough Federal controls over guns, especially handguns. Yet the arguments for few proposals are as solidly convincing as are those for tight restraints on handguns. And to underscore the paradox, the most compelling argument may be the deep danger handguns post to the very people who buy them for self-protection.

A national gun control law was enacted in 1968, after the assassinations of Martin Luther King and Robert Kennedy, but it is narrow and hole-filled. It forbids mail-order and interstate gun shipments to individuals, the importation of cheap foreign guns, gun ownership by the criminally convicted. Basically, though, it leaves to the states and cities such matters as store sales and private transfers of second-hand guns.

Only a few local governments have made any serious gun control efforts, and these have been frustrated by the ease of buying guns in neighboring jurisdictions with weak laws or none at all. Legally or illegally, just about anyone who wants a gun can still manage to get one.

Proposals to control rifles and shotguns are at least debatable; they are used widely for hunting and sports, comparatively rarely in crime. But pistols, revolvers and other handguns have little sporting purpose, and are overwhelmingly the favored weapon for violent crime and violent death.

Two of every three homicides are committed with firearms, practically always handguns; since 1963, the number of gun killings has risen 48%, while the number of homicides with other weapons has increased 10%. Handguns are by far the favored weapons for political assassinations, for killing police. Nearly one of every four aggravated assaults and one of every three robberies now employ guns, practically always handguns, and here, too, the percentage rises year after year.

The reason for this increasing resort to handguns is simply that there are more of them around. Once a standard item of clothing in the Old West, "the great equalizer" gradually became less widely owned. It began to become more common again after World War II, when thousands of GIs brought home captured pistols as souvenirs, and postwar movies and TV made a hero of the man with the gun—the cowboy, sheriff, soldier, spy, even the debonair crook.

But the really big handgun boom has been in the last few years. Between 1962 and 1968, while the annual sale of long guns was doubling, the annual sale of handguns quadrupled. By 1968, there were an estimated 24 million handguns in civilian hands, with another 2.5 million being manufactured or imported each year.

And the reason for the spread of handguns is also obvious: Fear. The man on the street fears for his own safety in the midst of soaring crime and urban rioting. Store owners and other businessmen arm to deter holdups. Families arm to guard themselves and their possessions from the robber, the rapist, the rioter.

These frightened gun buyers now provide a swelling lobby against gun controls, reinforcing the hunters and right-to-bear arms champions who fear that tight handgun curbs would merely be the entering wedge for curbs on all guns. They argue self-righteously and strenuously that "the criminal will always manage to get a gun, so why shouldn't we have them for our own protection?"

Two things are wrong with this argument, however. First, the criminal won't always manage to get a gun. Experience in the few places that have tough gun laws here and abroad strongly suggests that they may keep many a person from crime, or at least turn him to less deadly weapons. In England and Wales, where there are tough gun controls, only 6% of robberies were carried out with guns in 1967, compared to 37% in the U.S.

The other thing wrong with the "let-us-have-guns" argument is that most guns are no protection at all. The home a burglar enters is usually empty or asleep; the burglar, a recent Federal study notes, "is more likely to steal the home-defense firearms than be driven off by it." Most robberies (robberies involve personal contact, whereas burglaries don't) occur away from home; since the gun-owner rarely carries the gun with him, it's not much protection there. Home robbers usually manage to take the resident by surprise, depriving him of any chance to use his gun. "The burglar avoids confrontation, the robber confronts too swiftly," the Federal study declares.

The gun in the bureau drawer is far less likely to protect the owner than to endanger him and his family. The husband riddles the two-timing wife. The mixed-up kid evens the score with the too-tough parent. The drinking buddies' argument comes to a violent conclusion. The gun goes off accidentally while Dad is cleaning it, or while Sonny is showing it off to his schoolmate. Fully half of all gun killings occur within the family, 80% among family or friends.

Maintains the National Commission on the Causes and Prevention of Violence, headed by Milton Eisenhower: "The armed segment of our population is paying a heavy price in accidents and in the shooting of family members, friends, and acquaintances for whatever deterrent effect possession of self-defense firearms may be providing."

The Eisenhower Commission is merely the latest in a procession of Presidential and other prestigious study groups recommending tightly restrictive licensing that denies handguns to all but police and other security personnel and perhaps store owners in high crime areas. The Commission also recommended, as others before it, a crash program to develop a nonlethal weapon—one that would instantly incapacitate an attacker for 30 minutes or so while police were summoned, but would not kill or maim.

With such a weapon to rely on, average citizens might gradually swing behind tight gun curbs. Until then, however, new gun control moves will be fiercely fought by frightened men and women who believe that by arming, they add to their own safety.

"The time has come to bring the handgun under reasonable control," Mr. Eisenhower's commissioners conclude. It would be nice to think they're right, but all signs are to the contrary. Gun control is one idea whose time seems to keep slipping further into the future.

[From the Washingtonian magazine, May 1970]

WILL THE GUN LOBBY GET JOE TYDINGS?

(By Morton C. Paulson)

Maryland voters should take a close look at the gun lobby, which is trying so strenuously to unseat Senator Joseph D. Tydings. This pressure group is composed primarily of gun dealers, munitions makers, firearms publications, and trade associations—all of which profit directly or indirectly from sales of guns and ammunition.

Through its chief spokesman, the National Rifle Association, the gun lobby wages a costly and unrelenting campaign against gun restrictions in nearly every form. When pressure was applied by the gun lobby's friends in Congress recently, the U.S. Treasury Department suppressed a public-education film on gun controls. The film suggested that such controls can be quite effective in curbing crime.

Incredibly, taxpayers are forced to subsidize the NRA's activities because the association is exempt from federal taxation as a "nonprofit" organization. But the greatest cause for alarm and outrage is that the more irresponsible elements of the gun lobby are out to depose any public official who dares advocates gun restrictions—irrespective of his ability, record, or stand on crucial national issues.

It matters not that Senator Tydings is deeply involved in the fight against crime, drug abuse, tax loopholes, corruption, and consumer exploitation; because he has recommended stronger firearms legislation, certain gun fanciers have decreed that he must go. Yet they offer no workable program for dealing with crime. They do not tell us how to keep guns away from maniacs, felons, and children.

It appears to me that the gun lobby is more interested in protecting profits than in building good government.

[From the Washington Post, Feb. 27, 1970]

U.S. PRIVATE CITIZENS MAY HAVE AS MANY AS 200 MILLION GUNS

(By Marquis Childs)

The revolutionaries on the right and the left are heavily armed and prepared if not for civil war then for sporadic attacks to bring down the old order. While the Black Panther shootouts make the headlines, occasional raids on the ultra-rightist Minutemen reveal big caches of arms ranging from bazookas and grenades to a wide variety of guns and explosives.

The facts about armed America were documented thoroughly and scientifically as never before by the National Commission on the Causes and Prevention of Violence. By conservative estimate there are a hundred million guns in the hands of private citizens. Some knowledgeable observers would put it as high as 200,000,000.

The Panthers' aims are avowedly revolutionary. It is intolerable that they should accumulate stores of weapons and ammunitions. Yet the terrifying logic of the militancy is that if the whites are arming to destroy us, then we must arm. They live in a miasma of rumor of genocide and concentration camps and the recent shootouts in Chicago and Los Angeles have spread fear and

suspicion in the black world far beyond the fanatical Panther fringe.

Painfully evident is the lack of an adequate gun-control law that would crack down on both whites and blacks. Sen. Joseph Tydings (D-Md.) has reintroduced his bill requiring federal or state licensing for gun ownership with positive identification of the purchaser. Licenses would be denied for reason of a felony record or a civil commitment for mental illness or to anyone under the age of 21.

The chances for the bill getting out of committee and onto the floor of the Senate are virtually nil, despite the stern warning contained in the report of the Commission on Violence. And the reason is not solely the power of the gun lobby, conspicuously the National Rifle Association.

Testimony by a spokesman for the Nixon administration a year ago snuffed out any possibility of support for tightening the gun law passed in 1968. The pious attitude taken by the administration was that there should be no further federal action until it was seen what the states would do. That meant no action, period, since only with a push by the Department of Justice could a law with real teeth have had a chance.

The gun-control law passed in 1968 in the aftermath of the assassination of Sen. Robert F. Kennedy was certainly the half a loaf better than none. The individual purchasing a gun cannot do so outside his own state. That was a distinct gain, since nine out of 10 hand guns had been purchased simply by crossing a state line.

Under another provision, thanks to a more or less accidental amendment, a felon cannot own a weapon. Obviously, however, this applied only after you catch the culprit. A crackdown in the District of Columbia revealed that convicted felons are "renting" guns from purveyors agreeing to take a part of the loot as rental.

At the moment in 1968 when supposedly after the Kennedy tragedy the time was right for strict legislation Tydings put forward his measure. It was defeated on the Senate floor by a vote of two to one. The gun lobby vowed to get the Maryland senator who is up for re-election to a second term this year.

They looked in vain for a candidate to knock him out in the September primary. Despite some firm nudging by the President, Maryland's Rep. Rogers C. B. Morton, who is Republican National Chairman, declined the honor of running against Tydings in November. The private polls have shown him exceptionally strong, perhaps invulnerable.

He is not anxious to see a floor vote on his bill at this point. It would be a useless exercise and merely serve to put senators up this fall on the spot. For example, Majority Leader Mike Mansfield of Montana would have to vote against the stronger legislation, since the hunters are a powerful force in his state.

The private armories will continue to grow in both the black and white communities. It took the FBI nearly a year and a half to track down Robert B. Depugh, the fugitive chief of the Minutemen. He was taken at the town of Truth or Consequences, New Mexico, with a confederate and a large store of weapons and explosives.

No one can know how extensive these caches are and how many of the hundred million or more guns are in the hands of criminals and madmen. The Violence Commission proposed that all hand guns be confiscated. And in response the gun lobby denounced the chairman, Dr. Milton Eisenhower, as a Stalin and a Hitler.

[From the Washington Post, May 8, 1970]

RAID FAILS TO FIND FUGITIVE RADICAL

(By Ivan C. Brandon and B. D. Colen)

FBI agents searched futilely for guns and Weatherman fugitive Cathlyn Wilkerson at the office of a white radical group here yesterday after two men leaving the office were arrested for illegal possession of four rifles, a shotgun and a pistol.

The search attracted a noisy crowd of 300 onlookers, newsmen and law officers after members of the group, which publishes a new underground newspaper, "Voice from the Mother Country," spread word of what they called a "raid" throughout the city.

The two men arrested are Stephen (Nick) Greer, 22, a former George Washington University student who was chairman of the Students for a Democratic Society chapter there, and 21-year-old Robert Scott Crichton Jr.

Greer, who was jailed in lieu of $3,800 bail, was arrested for carrying an unregistered pistol in his pocket and possession of unregistered firearms. He was booked on a felony charge of carrying a deadly weapon, police said, because he told them he was serving 10 months probation on an earlier conviction of larceny of public property.

Crichton, jailed in lieu of $2,600 bail, was charged with two counts of possession of prohibited weapons, a sawed-off shotgun and an automatic rifle, two counts of carrying deadly weapons and possession of unlicensed ammunition.

The FBI said it recovered 500 rounds of ammunition from the two men. The rifles and shotgun, an FBI spokesman said, were wrapped in a blanket.

Two FBI agents arrested the two men as they walked out of an old rowhouse at 1932 17th St. NW. This had been the office of the now defunct underground newspaper, "The Quicksilver Times."

Three weeks ago, the office was taken over by a faction of contributors to the newspaper who align themselves unofficially with the Weatherman faction of SDS and promote cooperation between white radical groups and the Black Panther party.

Greer, operating out of the office, had been organizing a faction of white and black college and high school students to march together in Saturday's planned antiwar demonstration here.

The arrests triggered a four-hour confrontation on 17th Street.

The FBI refused to name the agents who made the arrest or explain why they "had been in vicinity" at the time. Reporters noticed that several men in business suits were using cameras and binoculars to watch the 17th Street house from an open second-story window in a building housing a Toyoto automobile dealership at 17th and U Streets.

After arresting Greer and Crichton, FBI agents went to court to use the arrests as evidence for obtaining warrants to search the rowhouse for more weapons and to arrest Miss Wilkerson.

The 25-year-old woman, who once was frequently in Washington, is being sought on charges that Weatherman members conspired to cause four days of disorder in Chicago last October, and on homicide charges in connection with the March explosion of a suspected Weatherman bomb factory that killed three people in New York's Greenwich Village.

While the search and arrest warrants were being obtained, FBI agents and metropolitan police officers, in uniform and plainclothes, stood guard in front of the 17th Street rowhouse and in an alley behind. The front door was locked from inside.

Students from George Washington and Georgetown universities, black high school students from as far away as Anacostia, and newsmen began arriving in answer to reports spread by telephone of the impending raid.

This crowd also attracted local residents of the predominantly black neighborhood, more plainclothes police observers, Marion Barry, director of the neighborhood's Police Pilot District Project citizen's board; and Sammie Abbott, a vocal opponent of the city's highway program.

Abbott shouted obscenities at plainclothes policemen and accused the police of staging the action as a "deliberate provocation" of the young people. Abbott also said he was concerned about the safety of his son-in-law, Terry Young, who, he said, was inside the building.

While Abbott argued loudly with the policemen, the door to the building opened and several young men and women slipped out and mingled with the crowd. Dozens of people took up posts at the front and back doors to watch any officer who might attempt to enter the building.

When the FBI agents returned with warrants, they were admitted to the building to conduct their search.

YOUTH

Mr. DOLE. Mr. President, many cynical minds have abandoned the President as he attempts to listen to the young. Many cynical voices have questioned his sensitivity. Many cynical eyes have been closed to his policies.

Yet the events of the past week offer ample—indeed conclusive—evidence that this administration is open enough to house new concepts, courageous enough to question its own values, and wise enough to look beyond its own horizons.

The President has established a Panel on Campus Unrest. He has responded to the need for youth employment opportunities. He has announced his intention to convene a White House Conference on Youth. Stephen Hess, Chairman of that Conference, presented its prolog in a clear, unequivocal fashion in a speech to the Commonwealth Club of California on June 12. I ask unanimous consent that it be printed in the RECORD.

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

ON YOUTH: "OLD MYTHS AND NEW REALITIES"

(A speech delivered by Stephen Hess, National Chairman of the White House Conference on Children and Youth to the Commonwealth Club of California, San Francisco, Calif., June 12, 1970)

We are a nation fervently committed to George Bernard Shaw's adage that "youth is wasted on the very young."

It is perhaps for this reason that Americans annually spend $5 to 7 billion on cosmetics; that middle-age men drive little red sports cars at excessive speeds; that antique women wear miniskirts; and that TV commercials suggest your hands will be as lovely as your teenage daughter's if only you use JOY.

This may also be, in part, why we are so outraged by the manifest alienation of today's youth and perhaps it is also a reason why we have constructed at least four myths about our children which allow us some unwarranted comfort in our old age.

The first part of my remarks shall be addressed to these myths and to some new realities.

Myth number 1 is that the alienation of American youth is a college or elite phenomenon; that it is merely a byproduct of a pampered generation, economically protected from the realities of "the real world."

Myth number 2 is that the end of the war in Indochina will signal an end to youth protest; that a return to normalcy will be in direct proportion to the number of troops withdrawn from Viet Nam; and that after the war, young people will again behave as we would like to believe that we behaved when we were young.

Myth number 3 is that youth alienation is

a fad. It too shall pass. Remember flagpole sitting, goldfish swallowing, panty raids?

Myth number 4 is that young people will "settle down" just as soon as they leave school, get married, and start to support families. In other words, that alienation is a product of youth which will end when youth ends.

Let's now turn to the first myth . . . the college phenomenon.

There are now some 40 million youths between the ages of 14 and 24 in the United States. Fifty-four per cent are in school. And of these, 7 million or 33 per cent attend colleges and universities.

Not all students, of course, are engaged in sit-ins, lie-ins, and shout-ins. A great many are neither disruptive nor rebellious. These are "the good kids" for whom being chosen cheerleader or quarterback or "most likely to succeed" is still a worthy aspiration.

Yet clearly we and our mass media have become infatuated with the dissenters on our campuses. One explanation for this obsession is that the protesters are the children of those who manage the news media. They are also the children of those who teach, write books, do research, run our businesses and industries, and determine our social policy. In short, they are *our* children. Of course they concern us. There has been a drug problem for years, but it used to be primarily confined to the ghetto. The seriousness of drugs was only recognized when "grass came to the suburbs." So too is it with youth alienation.

Numerous explanations have been offered for the dramatic increase in dissatisfaction among middle class youth. Briefly, they include: *industrialization,* which leads to an increase in the amount of time young people must spend in the holding stage of adolescence: *affluence,* which gives more and more youth more and more freedom to deal with what they think is wrong with our society; *the education system,* which many perceive as having changed little in the past 25 years although the world has changed much; *the mass media,* which not only brings the news faster, but in more traumatic fashion; *violence,* which seems to occur with growing frequency and tends to convince many youth that there is no sense to dialogue; and *government policy,* which makes supreme calls upon youth without their consent.

We must recognize, however, that there are other types of youth and other types of youth alienation. There are some 5½ million young people who are not white and many others who are white and poor. During the first quarter of this year, 32.7% of minority group teenagers in the labor market were unemployed; 12% of white youth could not find jobs.

These are the children of poverty who cannot afford the luxury of involvement in what many college youth see as relevant. The needs of poor youth are of a more immediate and less abstract nature. Rather than the pollution of our streams, they are concerned with the pollution of their neighborhoods and homes; rather than concern with the governance of educational institutions they are concerned with how one finds work without the required academic credentials; rather than concern with the legalization of marijuana, there is a concern with how one avoids pushers and dope addiction; rather than a concern with how one changes the system or removes oneself from it, there is a desperate effort to gain access to the system.

In many instances, unlike their middle class counterparts, poor youngsters do not seek to opt out. They do not appear to reject the very life style which many affluent youth ridicule. There are many blacks, Chicanos, Indians, Puerto Ricans, and Appalachian youth who no doubt would be glad to change places with those who are seeking relevance. Unfortunately, many of the poor feel that despite their effort to abide by societal ground rules the system has abandoned them. Their increased militancy reflects a need to establish counter institutions and new ground rules. Their frustration is often grounded in the belief that the institutions now governing their lives are actively committed to keeping them on the outside, always looking in. This too is youth alienation.

Then there is in the youth population another 12 million or 33% who are employed. And another 14% who are primarily teenage housewives. And another 8% who are in the military.

These working class youth, the "hard-hat-blue-collar" youngsters, often stand in the middle between the poor and the affluent. They feel that they are the only ones who follow the rules, work hard, and appreciate their country. They see the middle class and the poor (particularly minority youth) as being coddled and overly supported. They see the groups on either side of them as not appreciating what has been done for them. In reaction, they often become openly hostile toward these other youth as well as toward the institutions which they perceive as neglecting them in favor of those who most reject the traditional norms of our society. And this too is youth alienation.

My purpose in stressing the need to recognize that youth alienation goes beyond the more articulate and affluent college student is not to negate or ridicule their concerns and apprehensions. Rather it is to make very clear that youth alienation is not limited to any one segment of youth, which is an important consideration for all of us in the business of trying to relate youth to our social institutions, and which makes the job of bridging the generation gap, as Theodore Roosevelt once said in another context, as difficult as trying to nail currant jelly to the wall.

In turning to myth # 2—that the end to the war in Indochina will signal an end to youth protest—I do not mean to question the depth of feeling among youth about our involvement in Viet Nam or the degree to which the war has helped create a protest ethos among the young. Obviously the war is not only a major factor in youth alienation, but it is doubtful that we can truly attempt to rebuild confidence in our national institutions until young people come to believe that the government is seriously trying to extricate itself from Southeast Asia.

Nevertheless the concerns of youth go well beyond the boundaries of any one issue or social institution. In order to highlight this point I would like to share with you the results of a youth survey just completed last week for the White House Conference on Children and Youth as a public service by the Gilbert Youth Research Corporation. It should be kept in mind that this data was collected in March of this year prior to the events of Cambodia, Kent State and Jackson State.

The survey is a national representative sample of 3,000 youth between the ages of 14 and 24. It includes males and females, youth in school and out of school, and youth from every section of this country.

In response to the question, "Do you believe there is a so-called generation gap between you and your parents?"—40% of the youth sampled answered in the affirmative.

The feeling of generation gap is not limited to parents. A total of 42% believe that our constitutional form of government needs considerable change. Over a third believe they would not have volunteered for military service in World War II. Six per cent state they would have refused to serve if drafted. And 17% of the total group chose the don't know category in answering the question dealing with what they would do if they were called for military service.

The survey also suggests that many young people are accepting violence as part of the American life style. Almost half (47%) believe it will require drastic action on the part of individuals and groups in order to achieve equal rights for minority groups. Eighteen per cent do not believe that equal rights can be achieved without violent revolution. A fourth do not believe that equal rights can be achieved under our present form of government. Again, another 23% feel that violence is sometimes justified in order to attain social or political goals.

The 1,154 young people who felt violence was sometimes justified set the following conditions: 523 felt violence was appropriate in order to dramatize a vital issue; 935 felt it was justified when all other means failed; 521 felt it was acceptable in order to bring about government reform; and 263 believed it was justified in efforts to overthrow the present form of government.

In studies dealing with drug use among youth, there is general agreement in two areas: First, that drug use represents a form of defiance and alienation; and second, that there is a tendency among youth not to admit to using drugs. As a result, estimates of drug use based on personal admission are considered conservatives at best. It was for these reasons that I was impressed with the following data:

Over a fourth of the young people in this sample admit they have used drugs at some time.

One-fifth of those under 17 years of age report they have tried drugs. The proportions experiencing drugs increases as youth move from high school into college.

Sixty per cent believe that at least half their age group have used drugs.

These and other data of the Gilbert Survey graphically underscore that the growing alienation of our young is not tied to one issue and will not evaporate—"like the evanescent morning clouds over San Clemente" as the political poet Daniel P. Moynihan once said—when Johnny comes marching home.

For the third myth—that youth alienation is a fad—one might usefully look beyond the present college students to their younger brothers and sisters in junior and senior high schools.

During the 1968–69 academic year well over 300 incidents of high school disruptions were reported in the press. In a survey of junior high school principals 56 percent indicated some type of protest or confrontation in their schools. (And these were not student pranks or horseplay.) Moreover, some 500 high schools now have underground newspapers.

There is indeed a significance in the degree to which "young youth" are being politicized, even radicalized. This shows up in the number of high school students who have been involved in war moratoriums, in the number who have been working in political campaigns, and in the degree to which high school students are getting into hard drugs.

Last week I received a letter from a woman in Galena, Illinois, enclosing a remarkable essay by her 13-year-old daughter. It began, "I am still in grade school, and today's youth are old folks to me." And it ended, "Hang on world! Here comes my generation!" This I do believe.

Thus I feel it would be folly to think that we are witnessing a youth fad and that this too shall pass. Equally, as in myth number four, it is wishful thinking to expect that once this current crop of youth enters the "real world" of adult life, their alienation—and our problems—will be over. If we are to accept the reasons given by social scientists for the mood of today's youth, we cannot anticipate a decline in alienation and unrest

unless there are serious changes in how we deal with youth.

Nor do I believe that once this generation of youth enters adulthood will they become just like the rest of us. Obviously, they will have new roles and responsibilities. They will need to provide for their families. They will need to operate schools, industries, and other institutions. At the same time I believe there will be significant differences in how they go about the business of adulthood. I would speculate that there will be less emphasis on economic security and more on personal growth and development. The status of occupation will be of less importance than the nature and quality of the work. There will be more women working and an equaling out of parental roles. Traditional notions of a man's rights and prerogatives will be challenged and modified. There will be a retreatism to self and to family, while, paradoxically, at the same time there will be a more overt commitment to working in the social and political arena.

Our political parties will have to make the adjustment from "the politics of distribution" to what Robert Wood, the new President of the University of Massachusetts, has called, "the politics of innovation." Instead of "satisfying needs for goods and services, allocating scarce resources, mediating between conflicting classes or ideologies (business and labor, farm and city), as in the present "politics of distribution," the focus of concern in the new "politics of innovation" will become nothing less than "the quality of national life." Raising minimum wage levels and providing farm price supports are the staples of the old politics; combating pollution, building community colleges and art centers will be the staples of the new politics.

As the attitudes and behavior of youth have been changing, so have those of adults. At a time when working toward understanding each other is so imperative, we seem to be growing apart. Too many adults are turning away from their responsibilities of reasoned leadership and guidance. Too many adults are trying to out-shout, out-intimidate, and out-confront the very youth who they accuse of shouting, intimidation, and confrontation. They are offering youth few examples to follow and little in the way of an opportunity for much needed discussion. Too many adults have been so offended by the form of youth protest that they fail to heed the content or the reasons for the protest.

Despite the urgency of the problem and the visibility given to it, generational polarization increases. It is cause for reflection that adult support for corporal punishment in our schools has more than doubled (to over two-thirds) since the 1940's, according to a series of Gallup polls.

In Pennsylvania several members of the state legislature have proposed that all public schools be classified in the same category as penal institutions and hospitals for the mentally ill, thus shifting the status of youth from student to "inmate." A recent survey conducted by Mervin Field in California indicates that a number of significant changes have occurred over the past two years in how citizens of this state feel about the behavior of college students. Increases have occurred in:

1. The number who favor expelling students who challenge authorities.

2. The number who oppose greater student voice in deciding campus rules.

3. The number opposed to increasing enrollment of black students.

4. The number who do not believe that calling in the police radicalize moderate students.

5. The number who do not believe professors should have the freedom to speak and teach as they see fit.

6. The number who feel that campuses should not be free of political control.

My purpose in dealing with each of these issues is to emphasize the depth and complexity of the problem of youth and our society. My purpose is to impress you with what it has taken me some time to believe: that there are no simple solutions, no quick remedies; no one single group of American youth, no one single issue, no one institution associated with youth dissent; that there is a general doubting and questioning of traditional values and expected behaviors; and finally that unless we do come together—youth and adults—we will see an increase in confrontation, protest, alienation, polarization, and oppression.

Whatever steps we take must be the joint effort of youth and adults. We must force ourselves to lay aside suspicions and hostility. We must accept the fact that there will be critical judgements made on all sides. Both youth and adults must enter into some kind of working consensus with a willingness to explore all issues affecting youth and our society. It must be an effort of sincerity, integrity, and commitment. It must be recognized that no matter what avenue we pursue in order to bring youth and adults together that it will be only a beginning—the start of a process that must continue.

During the course of the past several months my staff has been exploring alternatives in bringing youth and adults together through the mechanism of a national White House Conference on Youth. We have met with youth, we have met with adults who deal with youth on a professional basis, we have met with parents; and we have met with numerous youth policy and program people.

During this period we have developed several different plans. Each was given serious consideration and each was rejected.

They were rejected because no plan would be credible or could fulfill its objectives unless youth themselves played the major and most critical role in the development and implementation of the plan.

Therefore, the White House Conference on Youth that I am announcing today is deliberately not a plan but an outline—an outline in which young people and others outside the Federal Establishment will have the mandate to fill in the details.

To get the process started, we have established just five basic "givens":

1. That there shall be convened a White House Conference on Youth next February in Washington,

2. That it shall be composed of two-thirds youth and one-third adults. (Young people have repeatedly told us that a youth conference must not be all youth, that they don't want to meet in a vacuum and just talk to each other, but rather that they want the opportunity to relate in the adult leadership of the country.)

3. That the Conference shall be issue-oriented and Task Forces shall be created in those areas in which youth have expressed greatest concern, such as Foreign Relations, Environment, Race Relations, Drugs, and Education.

4. That a planning meeting of the Task Forces shall be held in late August at which time they shall determine how they wish to formulate their reports, set the agenda for the Youth Conference, and decide on the delegate-selection process.

5. That the February Conference shall not be an end in itself, but must lead to a process of implementation that will involve all of our major social institutions and a large body of the citizenry.

We as a staff of course, have some strong views on what the Conference should be, and what it should accomplish. For example, we feel that this should be a youth conference not a student's conference i.e., it should involve all types of young people—working youth, poor youth, youth in the military, teenage mothers, as well as students.

We feel that the Task Forces should review each issue as it presently relates to youth; that it should make predictions for the coming decade; that it should attempt to point out the consequences for youth and society if various policy actions are taken or not taken; that it should identify the goals we should seek to achieve; and that it should examine how to broaden youth participation in the decision-making process.

But these shall be suggestions, not directives. The Task Forces—two-thirds youth, one-third adults—shall tell us how they plan to proceed.

To prepare background material for these groups, we have brought 45 young people to Washington this summer. They are presently compiling the existing empirical data on youth attitudes on each issue; cataloguing programs, both public and private; and interviewing policymakers about what plans they have on the drawing boards. These materials, along with reports from state committees on youth and national organizations, will be presented to the Task Forces at their meeting in late August.

As you can see, we are trying to make the White House Conference on Youth as credible as possible. We have been told by the young that they want to deal with the issues—and they will deal with the issues. We have been told by the young that they want to meet with the people that count—and they shall. We have been told that they want to define the Conference in their own way—and we intend to allow them to do just that.

In many ways what is being proposed here is an experiment. We recognize the probability that our plans will need to be modified. We recognize that there are many potential areas for disagreement and confrontation. At the same time we are convinced that the risks are well worth the potential gains. We must begin somewhere and this is a start. Hopefully, others will learn from our difficulties and from our achievements. Perhaps from this convening of youth and adults we will have the foundation for other efforts. We have talked much of coming together—of listening to one another—of understanding one another. The attainment of such a goal cannot be the work of any one man, of any one group, of any one institution or political party.

It is my hope that no matter what is the outcome of the proposed Conference, others will seek other ways in which to bring youth and adults together. From this first National Conference should come similar efforts on the part of those who influence the policies of education, business, labor, religion, law enforcement, local and state government, and other major institutions.

From such efforts may come a realization that some of the norms, values, and procedures of the past are no longer adequate or appropriate; we may find, as many youth have indicated, that parts of the system must be altered. Most importantly, we may stumble upon a process by which we can combine our technological achievements with the energy and altruism of youth in order to bring about a society free of poverty, injustice, and inequality. We take but a solitary step in that direction, but I think an important one. It is a step away from myths and toward reality and it will hopefully be the first of many such steps.

SENATOR MONDALE ON EAST-WEST TRADE

Mr. MUSKIE. Mr. President, the junior Senator from Minnesota (Mr. MONDALE) is one of the leading experts on East-West trade in the Senate today and a valued member of the Subcommittee on International Finance of the Committee on Banking and Currency. His vast knowledge of East-West trade and his able advocacy of broadened opportuni-

ties for American business to engage in peaceful, nonstrategic trade with the nations of Eastern Europe were key factors in the enactment of the Export Administration Act of 1969.

Senator MONDALE has recently contributed a comprehensive paper, "East-West Trade: A Congressional Perspective," to the third volume of New York University's Center for International Studies Policy Papers. I commend this lucid and informative statement to the Senate and ask unanimous consent that it be printed in the RECORD.

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

EAST-WEST TRADE: A CONGRESSIONAL PERSPECTIVE

(By Senator WALTER F. MONDALE)

Last December 23rd, as the last piece of legislation enacted by the first session of the 91st Congress, the House and Senate agreed upon a new bill dealing with the control of exports to Eastern Europe.[1]

The Export Administration Act of 1969 was a most significant piece of legislation. Its actual impact, first upon the Office of Export Control and ultimately upon the nature and volume of trade with Eastern Europe, has yet to be assessed. We may have to wait another quarter or two to pass even a preliminary judgment, although the International Finance Subcommittee of the Senate has every intention of maintaining strict surveillance over Administration adherence to the clear intent of the new Act.

But the immediate significance was symbolic—symbolic, I think, of a growing maturity and a relaxation of anti-communist hysteria with respect to our relations with the communist nations of Europe. The new liberalization of East-West Trade, while perhaps not as extensive as many of us in the Senate would have preferred, came in spite of clear Administration hostility to any changes in the then current law; in spite of the continuing war in Vietnam which has proven to be a tragic barrier to East-West detente; and in spite of the historical antipathy in Congress toward trade with the communist nations of Europe, best illustrated by the narrow defeat (44–38) of an incredible amendment in 1968 which would have imposed a 20% tax on the total profits of any American business trading with a communist nation which, in turn, was trading with North Vietnam.

Seen is this climate, the passage of the Export Administration Act last December suggests an important turning point in our attitudes and policies toward East Europe. I think that we have only made a beginning toward the institution of sensible, mature trade policies with respect to Eastern Europe. However, before turning to the steps ahead, it might be wise to review some of the history which led to the passage of this legislation.

Since 1949, with the passage of the Export Control Act, the policy of the United States has been to use trade as a political, economic, military, and ideological weapon in the Cold War. That Act read: "It is the policy of the United States to use its economic resources and advantages in trade with communist-dominated nations to further the national security and foreign policy objectives of the United States."

The Export Control Act did this by restricting the export, to East Europe, of goods which might have potential military or economic significance such as to threaten the security of the United States. The basic assumption behind such a policy is, of course, that access to United States goods (or "know-how," as in the case of "exporting" ideas, techniques, or discoveries) gives a nation a particular advantage which it would not otherwise obtain.

With respect to military hardware or technology, this probably makes sense. But with respect to goods of "economic significance" or goods whose military application is at best remote, this policy reflects both an economic arrogance and immature impression of socialist economies.

Our arrogance is reflected in the implicit view that United States trade is some form of "aid"—a philanthropic gesture which ought to be bestowed where it is best deserved, rather than an economic activity motivated by mutual gain.. This attitude is combined with an historical view of socialism as a political-economic aberration which would crumble from its own inefficiency—if only we would stop "propping it up" with our "trade-aid."

The use of trade as a Cold War lever is demonstrated by our willingness to relax restrictions even to communist countries which are seemingly "less so." Trade with Yugoslavia has no particular restrictions attached to it, and Poland and Romania have, through their assertions of semi-independence from the Soviet Union, "earned" a category by themselves which is subject to fewer controls than that encompassing the Soviet Union and the rest of Eastern Europe.

These political and ideological assumptions have been combined with a highly dubious technological assumption: that access to admittedly superior (in most cases) American technology would permit other countries to simply "copy" this technology, thus enabling them to fed upon our extensive research and development and thereby to "keep up" with us by short-circuiting the time and resources which have gone into the development of our superior technology.

In fact, of course, much of this technological arrogance is belied by Soviet as well as Japanese and West European advances in electronics, missilry, and other sophisticated products. In addition, vast amounts of technological knowhow are available to Eastern Europe through other Western nations and through scientific journals.

But an even more important refutation of the "technological lead time" argument in favor of controlling exports is the simple fact that technology cannot simply be "copied" to the economic advantage of the less technologically advanced economy. No country can simply "duplicate" the extensive and incredibly complex production and maintenance base needed to produce, for instance, an advanced computer. Furthermore, products actually on the market generally reflect a three to five year old technological state of the art. Thus, to the extent that a nation does pursue a policy of technological duplication, it does so at the expense of being locked into outdated systems without having developed the capacity to update national productive facilities.

This is not to say that less technologically sophisticated nations do not gain from importing advanced American technology. They do. Presumably, that is what trade has always been about. Our "comparative advantage" is, and will continue to be, in our ability to domestically design, develop and produce technology. It is probably to the advantage of East Europe—and all other countries—to develop as rapidly as possible their own technological capabilities. But as long as we retain our comparative advantage, it will be in the economic interest of these nations to buy from us the most advanced versions of technology, while producing for themselves those items which "fit" their own resources and technology.

On these assumptions—some perhaps valid at an earlier date, and some probably essentially fallacious—the United States sought to restrict exports to communist nations since the second World War. Last year's export control list contained approximately 1,300 categories of goods whose exports to Eastern Europe were restricted. As a result of these restrictions, in 1968 the value of our exports to East Europe was only about $217 million, while the value of their imports from the rest of the major free world trading nations was about $3.7 billion. Exports to East Europe have represented quite consistently about 0.6% of our total exports. While we do about 16% of total world trade, we do only some 3% of the total East European trade—the fastest growing market in the world.

Thus, our export control policy, augmented by the prohibition of Export-Import Bank financing and guarantees to East Europe, the refusal to grant Most-Favored Nation (MFN) status to any of this group but Poland, and the cargo preference requirement which has virtually halted grain sales to East Europe, has certainly succeeded restraining trade. But these policies have been patently unsuccessful, and even counterproductive, in promoting either the political or the economic interests of the United States.

On the one hand, our controls have really denied only a handful of "truly strategic" goods to East Europe—those goods on the list of the Coordinating Committee (COCOM) list, which our Western allies, along with Japan, mutually restrict from export to East Europe. But those categories which we unilaterally control—the difference between our list and the COCOM list—are goods which East Europe simply buys elsewhere in the West. The result is that we simply deny the trade to our own businesses, aggravate our balance of payments, enhance the position of our West European competitors, and deny nothing to the nations of Eastern Europe.

However, our restrictive policies might well be worse than ineffective; there is good reason to believe that they are counterproductive even from a political and ideological standpoint. If we can accept the premise that the East European socialist nations have sufficient political and economic viability to exist with or without our trade, then it would seem that the interests of peace and stability are best served by promoting normal political and economic intercourse between the West and the nations of Eastern Europe.

It should be obvious to any observer that the old monolithic communist bloc is a thing long past. The tragedy in Czechoslovakia, while a great temporary setback to the normalization of East-West (and East-East) relations, was clear proof of the bankruptcy of total Soviet hegemony in East Europe. If it is in our interest—and I think it is—to encourage the independence of these nations, then economic and commercial ties are perhaps the best course to pursue. Our insistence upon an economic isolation of East Europe serves only to perpetuate and solidify the economic, social, and political dependence of these nations upon the Soviet Union.

Our restrictive trade policies can even have a detrimental economic effect. Some years ago, for example, the Soviet Union attempted to purchase some wide-diameter pipe from Western Europe. We persuaded our allies to deny this sale. Consequently, the Soviet Union built their own plant to produce the pipe—a product which now competes with our own pipe in the West European market.

Our trade policies with respect to East Europe have thus been both ineffectual and

[1] "Eastern Europe" in this paper refers to the Soviet Union, East Germany, Poland, Czechoslovakia, Hungary, Bulgaria, Romania, and Albania. Trade policies also differentiate among Poland and Romania, East Germany, and all others on the above list. Similar, but far more restrictive trade policies also apply to Mainland China, North Korea, North Vietnam, and Cuba, upon which a virtual trade embargo is maintained.

counterproductive. They only deny to the communist nations those goods which have clear military or strategic potential and which all the COCOM nations have agreed not to sell. They do effectively cut our businessmen out of competition for the fastest growing trade market in the world. And they do continue to further the economic and political hegemony of the Soviet Union in all of Eastern Europe.

This was the situation when the International Finance Subcommittee of the Senate Banking and Currency Committee began extensive hearings on East-West Trade and the Export Control Act in 1968. Hearings were continued through the summer of 1969, and a bill was reported out which would have considerably liberalized East-West Trade policies. As co-floor manager, along with Senator Muskie, of the Senate bill which was debated in October of 1969, I was struck both by the readiness of the Senate to adopt a far more relaxed attitude toward East-West Trade and by the hostility of the Administration toward our legislation. In the face of direct Administration opposition and a considerably more conservative attitude on the part of the House of Representatives, our legislation went through two House-Senate Conferences and was finally enacted into law.

There were two basic changes in the new law through which we hoped to generate a more realistic policy toward the control of exports. As indicated above, the old Export Control Act required denial of a license if the item to be exported could contribute significantly to the military *or economic* potential of the nations in the controlled categories. The "or economic" criterion has been a source of constant confusion. Obviously, the Export Control Act was never designed to prohibit all exports; but just as obviously, there can be no trade which does not make at least some economic contribution to the receiving country. This provision seemed to reflect the general philosophy that our trade was some form of economic aid, the denial of which would insure the economic failure of the socialist economies.

The new Act removes "economic potential" from the criteria by which exports may be controlled. At the same time, we have preserved—in fact, made even more explicit—prohibitions against trade which can truly and substantially affect the national security of the United States.

The second major revision deals with the growing disparity between the categories which we control in conjunction with our allies (the COCOM list), and those which we restrict unilaterally. The latter set of goods—some 1200–1400 categories—are those which we may well presume to be freely available elsewhere in the world, and which are controlled only to the detriment of our own businessmen.[2] The Administration has repeatedly told us that "availability elsewhere" was, in fact, a criterion in its decisions, but the evidence accumulated through the hearings made it very clear that such consideration has been minimal at best.

The new law makes clear the intent of Congress that an item which is available from the major Free World trading nations other than the United States, shall be freely exportable from the United States without special licensing requirements, unless overriding national security considerations still require that the item be controlled. The decision to control an item in spite of its foreign availability should be made only after full and complete consideration has been given to that fact. In such cases, the Administration must report to the Congress the reasons for requiring an export license in regard to that particular item. The report must include such details as a description of the articles in question, the nations affected by the decision, and the reasons for the decision. This provision should result in the removal of a large number of items from the unilaterally controlled list.

There are a number of other provisions in the bill which attempt to bring the law up to date, state the current intent of Congress, and give guidelines to the Commerce Department and other relevant agencies on how the law is to be administered. For example, the Act includes a finding that the unwarranted restriction of exports has had a serious adverse affect on the balance of payments. It also states that the uncertainty of policy toward certain exports has caused a curtailment of the attempts of American business to make those exports. Thus, the new Act recognizes the importance of American exports to the balance of payments and their importance to the overall financial and economic well-being of the nation.

The new law also declares it to be the policy of the United States "to encourage trade with all countries with which we have diplomatic or trading relations" while restricting trade which the President has determined to be against the national interest or where the export of products and technology "would make a significant contribution to the military potential of any nation or nations which would prove detrimental to the national security of the United States."

There is a clear mandate to the Administration *to actually encourage* trade in peaceful, non-strategic goods with the Soviet Union and the other nations of Eastern Europe. The new Act makes it very clear that Congress is calling for a visible change in past export control practices. The Secretary of Commerce is directed to "institute such organization and procedural changes . . . as he determines are necessary to facilitate and effectuate the fullest implementation of the policy set forth in this Act with a view to promoting trade with all nations with which the United States is engaged in trade, including trade with (a) those countries or groups of countries with which other countries or groups of countries having defense treaty commitments with the United States have a significantly larger percentage of volume of trade than does the United States, and (b) other countries eligible for trade with the United States but not significantly engaged in trade with the United States."

This, of course, is the curious and wonderful way in which Congress says we must begin to encourage trade with Eastern Europe.

The Department of Commerce, in addition, is required to review all of its current control list "with a view to making promptly such changes and revisions in such list as may be necessary or desirable in furtherance of the policy, purposes, and provisions of this Act." Again, in plainer words, Congress has clearly told Commerce to cut down the number of categories unilaterally controlled.

I think it is very clear to emphasize this language for two reasons. First, as in so much legislation, Congress can only declare a policy and set certain standards or restrictions. The real change must come from a responsive bureaucracy in the administration of the legislation.

Second, after passage of the Act, the Administration made numerous claims that it was what they had sought all along and that it corresponded very nicely to the philosophy and policy of the Office of Export Control. The language I cited, however, was clearly and carefully designed to state very categorically that the Act did *not* correspond with any philosophy or policy which had been observed in the Office of Export Control. Congress, in other words, was called for a *change*, and it is now up to us to oversee and demand compliance with the intent of the Act.

There were a number of other changes reflected in the new Export Administration Act. The President, for example, is now required to seek information and advice from private industry in regard to the export policies and procedures. By this provision, Congress has recognized the vital interest of American business in the manner in which this law is administered and has provided an express provision whereby business will have some voice in the administration of the Act.

There is also a requirement that the Act be administered in a manner which will reduce the costs of record keeping and export documentation requirements. A periodic review of these requirements must be made and Congress must be kept advised on what the administration is doing in this respect. This particular provision came about as a result of testimony which revealed extraordinary expenses incurred by American business in regard to export documentation requirements of insignificant value to the government.

Finally, the Act provides for a new procedure whereby exporters may be fully advised of the status of their license applications and pertinent factors which may affect those applications. The problem which occasioned this provision has been one of the most frustrating for American business. In the past, an application was often filed and immediately lost within the labyrinth of the government bureaucracy. It was impossible for the businessman to ascertain the status of his application, the cause of delay, or even the department of the government in which the application was languishing. I suspect that many times these license applications were buried in the hope that they would go away. Unfortunately, this often proved to be the case simply because undue delay results in a sale lost to one of our foreign competitors. Thus, the new provision provides the double benefit of allowing the exporter to ascertain what is happening to his application and, at the same time, provides a certain amount of pressure on the Administration to expedite decisions.

Again, I must stress the fact that this Act, however significant, is but one step in our progress toward a realistic East-West Trade policy, and a step which may not yet have had time to bear fruit. Real change can only come about through the administration of the law, and even these changes will only come about—if at all—*through a response to American businesses aggressively seeking to expand their exports to the nations of Eastern Europe.* The failure of the Administration to acknowledge the Congressional mandate for change has been disturbing, if not surprising. We do intend to maintain a close oversight of the Office of Export Control. But exporters will realize the benefits of the new law only *if* they make themselves aware of its provisions and *if* they increase their attempts to secure export licenses for East European trade, with the understanding that Congress supports these attempts and stands ready to back them up.

The export control legislation I have been discussing is only a beginning in the effort to tap the growing market in the Soviet Union and the rest of Eastern Europe. The next steps must be in provisions which will better enable the East Europeans to buy from us.

The first of these provisions must be to extend the credit and loan guarantees of the Export-Import Bank to East European nations. Without financing, there is very little prospect for an expansion of trade with Eastern Europe. Currently, the Export-Import Bank is prohibited from any involvement in this trade. Understandably, American banks are reluctant to assume a risk which the Export-Import Bank is unwilling (or unable) to assume and, consequently, trade is generally restricted to that which can be carried out in cash or in which short-

[2] About 1750 categories are controlled to Poland and Romania, about 2000 to the remaining East European countries, and between 500–600 categories are on the controlled list of COCOM.

term credit can be secured through channels other than the Export-Import Bank.

For the first thirty years of its life, the Export-Import Bank had no such restrictions. In 1964, the Foreign Assistance Appropriations Act forbade the Bank from guaranteeing export credits to any communist country unless the President determined such credits to be in our national interest.

Up until 1968, the President determined that such credits *were* in our national interest, and the prohibition had little effect. In 1968, however, the Congress amended the bill extending the Bank's lending authority, forbidding the use of Export-Import Bank credit to finance sales or guarantee credit in any sales to a country whose government is trading with any nation with which the United States is engaged in armed hostilities. Obviously, the legislation was aimed at countries trading with North Vietnam, and the reference to countries whose *government* is trading made the Act apply to the communist nations and not to our other major trading partners, whose nationals also may trade with North Vietnam.

For countries seeking to modernize industry and agriculture through large purchases of capital equipment, these prohibitions have virtually ruled out importing from the United States. Cash deals of such magnitude are generally out of the question, and without Export-Import support, few banks will extend medium or longer term credit. Since there is no modern basis for any peculiar fear of default with respect to East-West transactions, these restrictions are another example of short-sighted ideology interfering with economic and political realities. With Export-Import legislation due before Congress sometime by the end of the 1971 fiscal year, I am hopeful that these restrictions can be removed.

The other major barrier to expanded East-West Trade is the lack of Most Favored Nation treatment for these countries. With the exception of Yugoslavia and Poland, all the rest must pay the prohibitively high tariffs of the 1930's.

Ultimately, of course, a nation can buy from us only to the extent that it can secure U.S. dollars. By erecting high tariff barriers against East European nations, we make it extremely difficult for them to secure these dollars through direct trade with us. While there are number of factors at work in the following example, the fact that Poland's exports to the United States in 1968 accounted for more than one-half of all East European (including the U.S.S.R.) exports to the United States indicates something of the potential value of MFN status.

Attempts have been made in Congress to secure MFN treatment for Romania and Czechoslovakia—I, along with others, have introduced bills in the Senate for both nations—but the Administration and the Finance and Ways and Means Committees have not acted favorably on these measures. The Czechloslavkian invasion in 1968 barred what may have been a promise of securing MFN for that nation, and the bills now lie quietly in the respective House and Senate Committees. (MFN bills, dealing with the raising of revenue, go through the Senate Finance and the House Ways and Means Committees rather than through the Banking Committees, which have jurisdiction over Export Control and Export-Import Bank legislation.)

Another area where Congress can contribute to an expansion of East-West Trade is the cargo-preference restriction on sales of wheat and feed grains to East Europe. Since 1963, the Commerce Department has required 50% of all such sales to Russia and all of the wheat sold to Bulgaria, Czechoslovakia, Hungary, and East Germany to be shipped in American flag vessels.

The objective of such a restriction is not clear. The State Department has suggested that such restrictions violate more than 30 commercial treaties we hold with other nations. Surely, the application of such a restriction only to agricultural products cannot conceivably further any kind of foreign policy or national security objectives.

The only remaining rationale is that cargo-preference serves as some sort of subsidy to the maritime industry. But even this is totally fallacious, since the effect of the cargo-preference restriction is to virtually exclude the United States from the entire East European wheat and feed grain market. Last year, for example, Russia bought some 30,000,000 tons of wheat and some 400,000 tons of corn from the West—and not one grain or kernel from the United States because of our "bottoms" requirement. In fact, there were no exports last year to any East European country of wheat, rice, barley, grain, sorghum, or wheat flour.

From 1965–1968, Canada shipped 551,000,000 bushels of wheat to East Europe while we shipped only 2,500,000 bushels. Yet, in the same period, we managed to sell 138,000,000 bushels to Poland and Yugoslavia—who are not included in the cargo-preference restriction.

In 1969, U.S. world exports of feed grains declined by 19%; corn by 10%; and wheat, grain, sorghum, oats, and barley declined by lesser amounts. Such statistics, alongside our ever-growing surpluses at home, clearly illustrate the need to expand U.S. agricultural exports. But where is the fastest growing agricultural market? East Europe, of course. To quote from the United States Department of Agriculture December 1969 Statistical Report on World Agricultural Production and Trade:

"World Trade (1969–70) is expected to increase, but competition will be keen. Increased exports should be reflected mainly in larger purchases by Mainland China, the northern countries of Eastern Europe, USSR, Japan, Pakistan, and Turkey. The bulk of the increase is expected to be in communist countries, areas where the U.S. does not trade." (p. 29)

Cargo preference is another reflection of our utterly irrational and self defeating barriers to trade with the East. They deny nothing to the communists. They provide no business and no jobs for the American Merchant Marine. Yet they do succeed in shutting American agriculture—the most productive in the world—out of this vast potential market.

There are, as well, additional changes in the export control field which should be sought either through legislation or, hopefully, through executive decisions based upon the general Congressional mandate to expedite East-West Trade.

So much of the difficulty in getting licenses, for example, has been due to the delays, the red tape, the time, and the expense involved in the licensing procedures. Some changes were made before passage of the new Act. In May of 1968, the Office of Export Control announced a new procedure for licensing exports and re-exports of samples for trade shows in Eastern Europe. This change in the "firm order" rule means that a business can export samples to be used in trade shows without already having received a specific order for a commercial quantity of the commodity. The exporter, however, still needs to apply for a license before any of the commodities shown as samples can be sold.

Another change, relating to distribution licensing and parts agreements, will ease the paper work of American firms engaged in exporting commodities requiring validated licenses, by providing a single export license for a number of commodities for distribution within the country of destination in Western Europe. It also will expedite shipment of replacement items to both Western and Eastern European countries.

Finally, there is the exceedingly complex but serious problem of United States trade policies imposed upon other, often allied, nations. An American subsidiary in Europe, for example, is required by law to conform to the far more restrictive United States Export Control List, while its competitors in that nation are restricted only by the COCOM list. In addition, the question of extra-territoriality often arises, with the overseas company subject both to the laws of that country and to certain laws of the United States telling the company what can and cannot be exported. Obviously, the political and diplomatic strains can become as acute as the economic and financial ones.

A related problem has to do with the "end use" of an exported product. Controls are placed not simply according to the country initially buying the product, but also according to the country which is to eventually utilize the end product. For example, aircraft components cannot be sold to France if these will end up in an airplane to be sold to China. Thus, in addition to a "firm order," the U.S. exporter must list the names and addresses of all parties in the contract, a description of the nature and quantity of the items to be exported, the ultimate country and ultimate consignee, and the "end use" of the commodity.

It is no wonder that American businesses give up in despair, East Europeans are insulted, our allies are sorely irritated, and business is often lost, simply as a result of the tortuous paper work involved for all parties hoping to engage in East-West Trade.

The comments presented here are intended only as a general summary of where we are, where we most recently have been, and where I hope we may be heading on our course of pursuing more realistic trade policies with Eastern Europe. I must emphasize that neither I nor anyone else in Congress is bind to the potential dangers between East and West, or of the bitterness which the Vietnam war has driven between us. But I have become more and more convinced that our national security can be enhanced, our foreign affairs with allies and adversaries alike improved, our trade surplus increased, and our economy strengtened, by actually encouraging trade in peaceful, nonstrategic goods with the nations of Eastern Europe.

Congress has taken its first step in this process, and I have outlined some of the next steps which I hope to see taken. The climate in Congress is becoming increasingly favorable and the prevailing mood of the key International Finance Subcommittee of the Senate is decidedly favorable to initiating additional steps with respect to Export-Import Bank financing and further Export Control legislation.

But it is time for the business, agricultural and financial communities to begin strongly asserting a view toward liberalizing these remaining East-West Trade restrictions. The automatic knee-jerk reaction against "trade with the Reds" is no longer even an acceptable conservativism. Change has begun, with vital economic, political and social ramifications. Change will continue when the Congress, and especially the Administration, know that it is both economically sound, strategically wise, and politically acceptable.

MINNESOTA HIGH SCHOOL STUDENTS SUPPORT SCHOOL INTEGRATION

Mr. MONDALE. Mr. President, a recent issue of the Minneapolis Tribune contained a very thoughtful and encouraging article entitled "Most Teenagers Support School Desegregation," written by Catherine Watson. The article discussed the results of interviews

conducted with 400 students in suburban high schools near Minneapolis who were asked their opinions of school integration. Eighty-eight percent of these students indicated in their responses that they supported school integration. And they explained why.

These students are keenly aware of the impact of racial isolation. They recognize the artificial nature of racially isolated schools, and detrimental effects of this isolation. One girl summarized the reaction of many students when she said:

I think it is important that children are exposed to other races, especially in the suburbs where they've never seen minorities. I think it's sad because we have to learn to live together.

Another student described the effects of racial isolation by stating:

You learn from people who have different ideas. If you stay where everybody is the same, you are just cut off.

Testimony presented before the Select Committee on Equal Educational Opportunity has demonstrated the way in which racial isolation in the schools has caused educational and psychological damage to students of all races. Numerous witnesses before the committee have described the importance of quality integrated education to both the achievement of individual students and the future of our society. The article I referred to and the survey results it includes, support these findings. I commend it to Senators and ask unanimous consent that it be printed in the RECORD.

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

MOST TEEN-AGERS SUPPORT SCHOOL INTEGRATION

(By Catherine Watson)

(EDITOR'S NOTE.—What do high school students think about today's issues and today's problems? In an effort to find out, Minnesota Poll interviewers talked with 100 students at each of four suburban Minneapolis high schools—Minnetonka, Richfield, Wayzata and Osseo. The surveys took place early this month. While the survey is not considered accurate enough for projection, it is considered to be an accurate reflection of student thinking.)

"Why not? We're all people." That was one white suburban high school student's response when he was asked if he thinks integrated schools are a good idea.

It sums up the view on integration of nearly all students interviewed in a recent survey at four Minneapolis suburban high schools. The schools, like their surrounding communities, are almost entirely white.

"We just have white middle-class views here," one student explained, "and I'd like to get their (minorities') views and ideas."

Eighty-eight percent of the 400 students surveyed said they think racial integration of schools is a good idea. A little under 2 percent of the students said they think integration is a good idea "only if there's no busing involved."

Asked if they'd like to see more minority students in their school, 88 percent said "yes."

But asked if they'd like to go to another school where more minority students were, the percentage saying "yes" dropped to 54 percent—and many seemed torn by loyalty to their present school.

"I'm happy here," said one girl who wouldn't want to transfer to a school with more minority students, although she said integration is a good idea and thinks she'd date a minority person.

Another girl, also favorable to integration, said she wouldn't like to transfer herself because "it would be hard. Everyone would be different—I'm used to the same kids."

A boy who thinks integration would be good, who would like to see more minority students in his school and who would date a person of another race, balked at going to a school with a heavier minority enrollment "because of my sports."

"I'm not sure I could make varsity sports there—here, I have a good chance to make varsity," he said.

And another, also in favor of integration, said he wouldn't like to transfer because "I'd rather have the community integrated."

Many were opposed to busing, even when they favor integration. And the quality of education in different schools was a concern for some.

"It's a good principle (integration) and it improves relations, too, but it's not good to bus many miles to do it," one student said.

Only a few feared integration would "lead to conflicts" or that "people would call the Negroes names and then there'd be riots and it would be just one big mess."

One girl said integration is good, if started in early grades so youngsters grow up together. But if it is started when students are high-school age, she said, "then there'd be fights."

A few admitted to prejudice—either their own or their families': "I'm not prejudiced but my parents wouldn't like it (integration)," a girl said. "This is why we had to move here—because we came from north Minneapolis."

If there was integration in her suburban school, however, she said, "we could see that the color of skin makes no difference."

As for transferring to a more heavily minority school, one boy expressed reservations about the quality of education he'd get—would it, he wondered, prepare him for college?

Another said, "I try not to be prejudiced and if they came to (his school) they would get a good education."

The students tended to think their communities contain more racial prejudice than their schools do.

Twenty-five percent said "most" people in their neighborhoods are prejudiced; 38 percent said "some" are and 32 percent said "a few" are. About 3 percent said no one is.

Seniors tended to be more suspicious of prejudice in their neighborhoods than sophomores: 36 percent of 12th graders said "most" people in their neighborhoods are prejudiced, compared with 19 percent of sophomores and 20 percent of juniors who said the same thing.

In their schools, however, 41 percent said "a few" students are prejudiced and 44 percent said "some" are, while only 12 percent said "most" are prejudiced.

They placed much emphasis on the idea that people of other races "are just the same as us."

"We are all persons—there's no difference between black and white," one boy said.

"I don't think it's right that they be segregated—they have just as much right as we do," said a girl.

And there were other reasons—chiefly an awareness that white suburban living isn't an accurate reflection of the world.

"I think it's important that children are exposed to other races, especially in the suburbs where they've never seen minorities," another girl said. "I think it's sad because we have to learn to live together."

One girl, herself a Negro, said the same thing, "I don't think they get a full view of how life really is until they've been together. They will find this out later, so in school they can learn how."

"The only way to remove your prejudices is to go to school with them," a boy said.

"Integration would help you get along with other people, and besides it's better for the country," a girl said, "because the races might understand each other better and learn to accept each other."

"Our discussions are always one-sided," a boy complained. "We don't get the opportunity to see the other side of the issue."

Another explained a feeling of suburban racial isolation this way: "You learn from people who have different ideas. If you stay where everybody is the same, you are just cut off."

HEALTH BUDGET CRISIS—NEED FOR INCREASED FUNDS

Mr. KENNEDY. Mr. President, one of the most critical aspects of the current Federal budget is the inadequate level of appropriations requested by the administration for Federal health programs. The situation is especially critical in the area of health manpower, but increased appropriations are also urgently needed in the areas of health research and health services.

I had the opportunity to deal with many of these issues in testifying this morning before the Labor-HEW Appropriations Subcommittee, presided over by its chairman the distinguished Senator from Washington (Mr. MAGNUSON).

I commend Senator MAGNUSON for his extraordinary efforts in recent years to alleviate the increasingly serious crisis in the Federal health budget. We in Congress made a strong beginning in the Appropriations Act for fiscal year 1970, and I hope we can make an even better record for fiscal year 1971.

Mr. President, I ask unanimous consent that my testimony before the Appropriations Subcommittee be printed in the RECORD.

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

TESTIMONY OF SENATOR EDWARD M. KENNEDY

I am pleased to have this opportunity to appear before you today and to offer my views on the health aspects of the Labor-Health, Welfare and Related Agencies Appropriations bill for fiscal year 1971.

In my testimony today, I would like to discuss three major elements of our Federal health system as they relate to the budget under consideration: (1) health services; (2) health research; and (3) health manpower. Because these three elements are so closely related to one another, it is impossible to say that one aspect is more important than any other. We know, for example, that health research leads to improved health services, which in turn can only be delivered by adequate numbers of well-trained health manpower. The crucial consideration is that today's advance in the laboratory should be translated as rapidly as possible into tomorrow's service to the patient.

HEALTH SERVICES

At the outset, I would like to emphasize the urgent need for increased funding for many of the most important health service programs administered by the Public Health Service of the Department of Health, Education and Welfare.

I am especially concerned about the Administration's budget policies with respect to Federal programs in the areas of mental retardation and mental health. We are all well aware that the treatment of the mentally retarded has been one of the most shameful chapters in the history of American

health. For more than two centuries, we cast out the mentally retarded from our society. We buried them alive for decades in vast state and county institutions. We confined thousands of patients in hundreds of wards, hundreds of miles from their families, their pastors, their doctors, and their friends, with insanity or death the only sure escape.

In the Mental Retardation Facilities Construction Act of 1963, President Kennedy and Congress brought revolutionary change in this inhuman care. With its sharp focus on prevention, treatment, and rehabilitation, we launched a new era of compassion and care for the retarded that has brought credit to our society and hope to millions of our citizens afflicted with such illness.

It is now almost seven full years since Congress enacted this far-reaching program for the development of comprehensive services and facilities for the retarded. Yet, because of the inadequate funding of the Act, the program has never fulfilled its promise. In the entire six years of the Part C program, Congress has appropriated a total of only $72 million, instead of the $50 million recommended for each year of the Act when it was first signed into law.

By the time the committee sends this appropriations legislation to the Senate floor, it is unlikely that the bill now pending to extend and improve the 1963 Act will be signed into law. The bill—S. 2846, the Developmental Disabilities Services and Facilities Construction Act of 1970—passed the Senate last April by the unanimous vote of 69–0, and the companion bill is now completing mark-up in the House committee.

I urge the appropriations committee to launch this new legislation with a funding level adequate to the need that exists. I believe that an initial appropriation of $60 million for fiscal year 1971 can be amply justified for the grant program for services and facilities to the mentally retarded. I also believe that the program of assistance to university-affiliated facilities for the retarded should be funded at the full authorized level for 1971—$20 million for construction of new facilities, and $7 million for operating costs.

The need is similarly urgent with respect to the Federal mental health program. Last year the Administration requested an appropriation of $357.9 million for mental health in fiscal year 1970. The congress increased this request slightly, by about $3 million, but HEW has announced that it actually planned to spend a total of only $353.5 million. For fiscal year 1971, the Administration is requesting only $346.6 million—approximately $14 million less than was appropriated last year.

The program for construction of community mental health centers will be especially hard hit by the Administration's request. Despite an authorization of $80 million for this program in the recently passed Community Mental Health Centers Amendments of 1970 (P.L. 91–211), the Administration proposed to spend nothing at all on this important and valuable program in the coming fiscal year.

Strong new evidence of the Executive Branch's declining commitment to mental health programs was provided by the recent resignation of the Director of the National Institute of Mental Health, who accused the Administration of abandoning the mentally ill. I hope the Subcommittee will reverse this unfortunate trend by appropriating considerably more funds than requested by the Administration for all areas of mental health, and especially for the program for community mental health centers.

Another important health services program receiving less than adequate consideration is the Migrant Health Program. As the committee is aware, this is a relatively modest program through which the health needs of many of our migrant agricultural workers are met. At present, however, less than one-third of the migrants have access to these programs of health care. Recognizing the need for increased funding, Congress amended the Public Health Service Act this year to authorize the appropriation of $20 million for FY 1971. Nevertheless, the Administration is requesting only $15 million—the same amount as was appropriated last year. I strongly urge that this program be funded at the full $20 million authorization.

I would also like to emphasize the need for adequate funding of the Regional Medical Program. RMP is designed to bring the results of medical research closer to the local practitioner and his patients. Originally, the program was established by the Heart, Cancer, and Stroke Amendments of 1965, and the Senate Labor and Public Welfare Committee has just completed work on an extension and expansion of the program for another three years. The regional program has completed its planning stage and is now moving into the operational stage in high gear. A substantial increase in operational funds is required if the program is to meet its promise, but no such increase is being requested by the Administration. In my opinion, the Regional Medical Program has demonstrated its value. It deserves to be adequately funded.

HEALTH RESEARCH

The second major area I would like to discuss is the area of research. I am convinced that America as a nation is not committing a sufficient proportion of its resources to health research. To illustrate, it is enough to look at what is perhaps the most feared disease in our society today—cancer. In 1969, 323,000 Americans died of cancer. This figure, for just one year, is seven times the number of our combat fatalities in the entire nine years of the Vietnam war.

We spend billions on the war, but only a pittance to fight cancer. On an annual per capita basis, we spend about $125 on the war for every man, woman, and child in America, while our per capita expenditure for cancer research is only 87 cents. Indeed, we spend $19.50 per person on space research to land three men on the moon, but only 87 cents per person to save 300,000 men from cancer. The same unhappy comparisons can also be made for heart disease and many of the other killer diseases that plague our society.

We simply cannot continue our present unwise allocation of resources. The list of examples of misdirected government spending and short-changed health programs is almost endless. There is no need to labor this point here. It is clear that we must begin to align our priorities in a more effective manner, and I can think of no more suitable starting place than the life-saving medical research supported by the National Institutes of Health.

The sad fact is that NIH research appropriations have levelled off over the past four years, after rising substantially during the early 1960's. For fiscal year 1969, the total appropriation for NIH research institutes was $1.090 billion. Last year the appropriation was down to $1.028 billion and subsequently, HEW announced its intention of actually spending $55 million less than this amount. For the coming year, fiscal 1971, the Nixon Administration has requested only $1.032 billion, or essentially the same amount that was appropriated last year.

Because of two factors well known to medical researchers this apparent leveling off of funding actually represents a sharp decline in Federal support for medical research. The first factor is inflation. It has been conservatively estimated that the cost of conducting medical research is now increasing at the rate of 10% per year. Thus, even for the research community simply to stand still with respect to NIH-financed research, the NIH budget should be increased by 10% per year. In fact, however, because of inflation, the Administration's budget request is the equivalent of imposing a 10% cut on research funds.

The second factor is more complex. Medical research, by its nature, is expansive. A single discovery opens the door to several new possibilities, each of which should be followed up. When the level of research funding is kept constant, therefore, the research community is faced with a Hobson's choice—either fewer and fewer new projects can be started, or fewer and fewer newly discovered possibilities can be followed up.

The current cut-backs in medical research represents a national crisis of immense magnitude. NIH-financed researchers are now fighting a life and death struggle for their scientific lives, and I urge the Subcommittee to help meet the crisis.

HEALTH MANPOWER

The final area I would like to discuss today is the area of health manpower. The tremendous breakthroughs in medical research have no value in themselves. They become valuable only when they can be translated into new forms of health services which in turn can be delivered to patients by trained health professionals.

As a member of the Subcommittee on Health of the Committee on Labor and Public Welfare, I have attempted to deal with the manpower problem in the authorizing legislation over which our committee has jurisdiction. In 1968 we passed the Health Manpower Act, which strengthened and extended several existing health manpower laws originally passed in the mid-1960's. Recently, the Committee has completed action on the extension and expansion of the Allied Health Manpower Act.

These laws provide the framework within which the Federal government has become a partner with educational institutions in the voluntary sector. Funds have been made available to provide the facilities and faculties necessary to train the large numbers of skilled personnel to translate our expectations of health care into reality.

Under these laws, a number of new medical schools have been opened. Others have significantly expanded and updated their training facilities. The Federal program has helped schools to strengthen their curricula, so that the students who are trained can be realistically equipped to serve the health needs of the people. Equally important, students in the health professions have received scholarships, loans and other financial assistance, enabling them to undertake health careers they could not otherwise have begun.

In my testimony today, I would like to consider three principal Federal programs for health manpower—institutional grants, construction grants and student loans.

Institutional grants

In the area of institutional grants, our medical schools are aware of the national need for more doctors, but they are experiencing great financial difficulty in expanding their enrollment and their facilities. The cost of medical education is constantly increasing, and most schools are hard-pressed to produce the same number of graduates each year, let alone increase the number. Many schools, perhaps even a majority, are operating at a deficit. A total of 61 medical schools, or more than half of the 107 medical schools in the nation have received special project grants available to schools in financial distress. Tragically, in this time of urgent demand for increased health manpower we face the very real danger of medical schools closing down because of bankruptcy.

To assist the medical schools and other health professional schools in expanding their enrollments and improving the quality of their educational programs, the Federal government makes formula grants and

special project grants under the authority of the health manpower legislation. Most of these funds go to the health professional schools that demonstrate most clearly their commitment to expand their enrollment.

The Health Manpower Act of 1968 authorizes the appropriation of $168 million in fiscal year 1971 for these so-called "institutional" grants to medical, dental and other related schools of the health professions. The Administration, however, is requesting only $113 million for this program. No one today seriously questions the great need for additional health professionals. Yet, the Administration is apparently unwilling to commit the funds necessary to alleviate the current critical shortage of health manpower.

The same thing can be said about the program of institutional aid to schools of nursing. $40 million is authorized for this program in FY 1971, but only $11 million is being requested by the Administration.

Construction grants

The area of construction grants is equally important in our effort to alleviate the crisis in health manpower. We know that more than operating funds are required if medical schools and teaching hospitals are to increase their enrollments. Adequate teaching facilities are also essential. Congress recognized this need in the health manpower legislation by establishing a program of construction grants to schools of the health professions, and by fixing substantial authorization levels for the program. In fiscal year 1971 for example, $225 million is authorized for such construction grants.

The response of health professional schools throughout the nation to this construction program has been overwhelming. As of April 1970, construction grant applications totaling nearly $400 million had been received by HEW and approved for funding, subject to the availability of funds. Another $250 million worth of applications had been received and were being reviewed by the Department.

Despite this enormous response, despite the obvious need for construction funds, and despite the $225 million authorization, the Administration is requesting only $118 million for construction grants to schools of medicine and other health professions—barely one-half of the amount authorized.

The program of construction grants to schools of nursing fares even more badly under the Administration budget. $35 million is authorized, and $37 million has already been requested by the schools. Yet, the Administration is requesting only $8 million for this program, or less than one-quarter of the amount authorized.

At the same time, the Administration is attempting to impose a drastic curtailment on the eligibility of teaching hospitals for participation in the construction grant program. I deplore each of these developments. I urge the Committee to make substantial increases in the health professions construction programs, and to take whatever steps may be available to restore the eligibility of teaching hospitals in the program.

Student loans

Finally, let me express my concern about another program that lies at the heart of the health manpower crisis—the program of direct loans to students in the health professions. Young Americans in these schools are attempting to secure the professional training necessary for a lifetime of service to their fellow men. We cannot afford to allow even one of these students to drop out of his studies merely because he lacks the financial resources to complete his training.

Time and again in recent years, students of the health professions have shown their willingness to borrow money to complete their training and then pay back these loans, with interest, after they have begun to earn their living. The schools have requested more than $43 million in loan funds for fiscal year 1971. The Health Manpower Act of 1968 authorized the appropriation of $35 million for loans to medical students. Even if fully funded, this amount would cover only 75% of the requests already made for such loans. Tragically, the Administration is requesting only a fraction of the amount necessary—just $12 million—for this crucial program. I strongly urge the Subcommittee to fund this loan program at its full authorization.

I also believe that the program of loans to nursing students should be fully funded. $21 million is authorized, and $28 million has already been requested by the schools. Yet, the Administration is asking for an appropriation of only $9.6 million for this program Clearly, these are false economies in terms of the long-range health needs of America.

In closing, let me emphasize my belief that the dollar increases essential for adequate funding of our health programs are modest in light of the overall federal budget. Yet, there is perhaps no area of federal spending where such modest increases could pay such rich dividends for all our people. One of our most important domestic priorities must be to find the funds necessary for our urgently needed health programs. Our highest priority should be reserved for matters of life and death, and the health programs I have been discussing today are just that: matters of life and death for the nation.

APPENDIX 1.—*Levelling-off of health research appropriations—12-year comparison*

[NIH research appropriation in millions]

Year:		
1960		$331
1961		459
1962		629
1963		737
1964		736
1965		787
1966		896
1967		1022
1968		1084
1969		1090
1970		1028
1971	(request)	1032

APPENDIX 2.—COMPARISON OF HEALTH APPROPRIATIONS, FISCAL YEARS 1969-71

Item	Fiscal year 1969		Fiscal year 1970		Fiscal year 1971	
	Authorization	Appropriation	Authorization	Appropriation	Authorization	Requested appropriation
CPEHS:						
Food and drug control	(1)	$70,444,000	(1)	$81,617,500	(1)	$89,549,000
Air pollution control	$185,000,000	87,960,000	$134,300,000	109,782,000	(2)	106,003,000
Environmental control:						
Solid-waste management	20,000,000	16,113,000	19,750,000	15,275,000	(2)	15,336,000
Other	(1)	46,718,000	(1)	36,052,000	(1)	35,444,000
Salaries and expenses, Office of Administrator	(1)	5,829,000	(1)	4,078,000	(1)	4,775,000
HSMHA:						
Mental health:						
Research	(1)	114,798,000	(1)	111,206,000	(1)	114,129,000
Manpower development	(1)	124,217,000	(1)	123,969,000	(1)	122,021,000
State and community programs:						
Construction of community mental health centers	60,000,000	15,000,000	70,000,000	35,500,000	$80,000,000	
Staffing of CMHC	(1)	49,699,000	(1)	47,550,000	(1)	60,100,000
Narcotic addiction and alcoholism	15,000,000	8,000,000	25,000,000	12,000,000	30,000,000	15,900,000
Direct operation	(1)	2,364,000	(1)	2,453,000	(1)	2,449,000
Rehabilitation of drug abusers	(1)	13,980,000	(1)	16,619,000	(1)	19,640,000
Program support	(1)	9,270,000	(1)	11,384,000	(1)	12,367,000
St. Elizabeths Hospital	(1)	13,380,000	(1)	14,212,000	(1)	14,823,000
Health services R. & D	(1)	49,931,000	(1)	42,653,000	(1)	57,403,000
Comprehensive health planning and services:						
Partnership for health grants	210,000,000	171,132,000	217,500,000	193,843,000	(2)	221,500,000
Migrant health	9,000,000	8,100,000	15,000,000	15,000,000	20,000,000	15,000,000
Standard setting and resource development	(1)	5,998,000	(1)	10,252,000	(1)	10,434,000
Program management	(1)	1,879,000	(1)	5,380,000	(1)	4,564,000
Maternal and child health programs:						
Maternal and child health	(1)	197,306,000	(1)	206,025,000	(1)	221,824,000
Family planning	(1)	11,909,000	(1)	22,800,000	(1)	33,515,000
Regional medical programs:						
Operational and planning grants	65,000,000	56,200,000	120,000,000	75,271,000	(2)	81,312,000
Technical assistance and disease control	(1)	25,082,000	(1)	20,930,000	(1)	13,168,000
Program management	(1)	1,851,000	(1)	1,947,000	(1)	2,022,000
Communicable diseases	(1)	39,084,000	(1)	41,301,000	(1)	41,538,000
Hospital construction	280,000,000	254,487,000	295,000,000	172,200,000	(2)	85,000,000
Program direction and technical assistance	(1)	3,802,000	(1)	4,149,000	(1)	4,321,000
District of Columbia medical facilities	(1)	15,000,000	(1)	10,000,000	(1)	
Patient care and special health services	(1)	71,437,000	(1)	77,443,000	(1)	79,889,000
National health statistics	(1)	8,109,000	(1)	9,174,000	(1)	9,918,000
Retired pay of commissioned officers	(1)	13,041,000	(1)	16,700,000	(1)	19,501,000
Salaries and expenses, office of Administrator	(1)	8,601,000	(1)	11,043,000	(1)	11,812,000
NIH:						
Research institutes	(1)	1,090,503,000	(1)	1,028,541,000	(1)	1,032,884,000
John E. Fogarty Center	(1)	3,374,000	(1)	2,954,000	(1)	2,664,000

Item	Fiscal year 1969		Fiscal year 1970		Fiscal year 1971	
	Authorization	Appropriation	Authorization	Appropriation	Authorization	Requested appropriation
Health manpower:						
Institutional support:						
Medical, dental, related	$80,000,000	$66,000,000	$117,000,000	$105,000,000	$168,000,000	$113,650,000
Nursing	14,000,000	7,000,000	35,000,000	8,400,000	40,000,000	11,000,000
Public health	15,000,000	9,471,000	15,500,000	10,071,000	12,000,000	9,071,000
Allied health professions	20,000,000	10,975,000	24,500,000	11,587,000	(2)	14,245,000
Student assistance:						
Traineeships	25,500,000	20,670,000	30,000,000	20,670,000	(2)	22,270,000
Direct loans:						
Medical, dental, etc	26,500,000	15,000,000	35,000,000	23,781,000	35,000,000	12,000,000
Nursing	30,900,000	9,610,000	20,000,000	16,360,000	21,000,000	9,610,000
Scholarships:						
Medical, dental, etc	(1)	11,219,000	(1)	15,541,000	(1)	15,000,000
Nursing	(1)	6,500,000	(1)	7,178,000	(1)	17,000,000
Manpower requirements, utilization, and program management		15,641,000		16,771,000		18,388,000
Health education loan fund (interest, etc.)	(1)	200,000	(1)	957,000	(1)	3,083,000
Dental health		10,185,000		11,722,000		10,954,000
Construction:						
Medical, dental, related	160,000,000	75,000,000	170,000,000	118,100,000	225,000,000	118,100,000
Nursing	25,000,000	8,000,000	25,000,000	8,000,000	35,000,000	8,000,000
Allied health	13,500,000	1,800,000	10,000,000		(2)	
Medical libraries	10,000,000		10,000,000		11,000,000	
Health research facilities	93,300,000	8,400,000	20,000,000		30,000,000	
National Library of Medicine:						
Grants	11,000,000	5,788,000	11,000,000	6,157,000	11,500,000	5,792,000
Direct operations		12,220,000		13,416,000		13,977,000
Buildings and facilities	(1)		(1)	1,900,000	(1)	
Salaries and expenses, Office of Director		6,993,000		7,861,000		8,206,000

[1] Open.

[2] Legislation pending.

AMENDMENT OF FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER (Mr. McGOVERN). The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. H.R. 15628, to amend the Foreign Military Sales Act, reported with amendments.

The Senate resumed consideration of the bill.

CAMBODIA: A LARGE GAMBLE FOR A SMALL PRIZE

Mr. CHURCH. Mr. President, since Pandora's box was opened in Cambodia 6 weeks ago, the American people have been bombarded with lengthy lists and self-serving statements by officials designed to convince people that the operation has been a success. But success cannot be measured in numbers of weapons captured or tons of rice destroyed. It can be measured, in the long run, only by whether the move widened or narrowed the conflict, increased or decreased ultimate casualties, and worsened or improved prospects for a political settlement of the war.

On May 5, 5 days after the invasion was announced, I said:

> The President has taken a large gamble for a small prize. If he wins the gamble, he gains no more than the temporary removal of the border sanctuaries in Cambodia, to which the enemy will soon return; if he loses the gamble, the enemy reprisal could well take the form of a Communist takeover of Laos or Cambodia, or both.

In war as in physics, every action must have a reaction. And we are now seeing the enemy's reaction unfold in both Laos and Cambodia. Enemy forces are now moving aggressively in southern Laos, capturing new territory to guarantee the continued free flow of supplies into Cambodia. In Cambodia, an Associated Press dispatch Friday, June 12, 1970, stated:

> Faced with sharply increasing pressure from the Viet Cong and North Vietnamese, the Cambodian Government has reluctantly decided to cede almost half the country to Communist control, well-informed diplomatic sources reported today. Western military experts termed the decision hardheaded and realistic. They said that even by concentrating its forces around Phnom Penh and Northwest of the capital, the Government will have only about a 50–50 chance of surviving the next four or five months of monsoon rains.

Before the United States undertook the recent operation, Cambodia had managed to stay out of the war. Only the fringes of its territory were occupied by Communist forces. Now we face the prospect that a far larger area will soon be under Communist control, and the very real danger that the entire country could fall within a year. That will be a very heavy price to pay for the temporary and partial clearing of sanctuaries to which the enemy may soon return. A year from now, the basic situation in South Vietnam is likely to be very little changed. But by then, as a consequence of the President's gamble, we may very well see Laos and Cambodia under effective Communist control.

The PRESIDING OFFICER (Mr. McGOVERN). The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I rise today for the purpose of suggesting that the leadership of the Senate and the proponents of the pending amendment and all other amendments that would in any way restrict the activity of the President of the United States see to it that they are withdrawn.

I believe we must realize that the Senate cannot alter the Constitution of the United States. The Senate cannot, without the House of Representatives, take any legislative action.

The Senate ought to get on to the other business rather than continue and continue to press for measures, amendments, or proposals that could only add to the confusion in the Vietnam situation.

There is a larger and far greater reason why I believe these proposals should be abandoned. I do not think they are good for the United States. I do not think they will help this country to chart a course free from war or to enable this country in a quicker manner to extricate itself from the war now going on.

I do not believe the adoption of these proposals will by any stretch of the imagination help the President of the United States in his undertaking to return the American men from the war zone back to the United States.

That is not just an announced program; that is not political oratory; 115,000 are already returned.

These efforts to embarrass and to hamstring the President cannot serve our country well.

Mr. President, I read from an editorial published on June 1, 1970, in the Omaha World Herald, of Omaha, Nebr., entitled "To Embarrass the President."

The editorial reads:

TO EMBARRASS THE PRESIDENT

> The impression seems to have been created in recent weeks that the Senate is on the point of devisively curtailing President Nixon's authority to continue making war decisions in Southeast Asia.
>
> The impression is clearly mistaken. It is surprising that so many knowledgeable persons seem to have been taken in by the grave rhetoric emanating from the Senate.
>
> The Senate cannot hogtie the President simply by taking a vote. It could pass any or all of the restrictive amendments currently being debated, but none would have any practical effect until ratified by the normal legislative process.
>
> This process, as any high school civics student knows, includes passage by the House of Representatives.
>
> And the fact is that the House is in no mood to adopt any measures which would curtail the President's freedom of action, jeopardize the troops in the field or otherwise intrude legislatively on administrative military prerogatives.
>
> The House is much more hawkish than the Senate. This has been proven time and again on military appropriations, the ABM and other bellwether issues.

Most significantly the House already has had its bout with the kind of restrictions now receiving so much attention in the Senate, and it has rejected them in short order.

On May 6, after two days of debate, the House voted to adopt a military procurement and research authorization bill which was the vehicle for several Southeast Asia amendments.

In five different votes, the representatives decisively rebuffed restrictive amendments, some of which were nearly identical to the ones being considered by the Senate.

In fact, the House even refused to adopt mild, watered-down amendments which were acceptable to the Nixon administration.

Clearly, the mood of the House is to give the President the freedom of action he needs as commander in chief.

Of course, the senators pushing the various restrictive amendments in their own chamber know this very well.

Knowing full well that they are not dealing with meaningful legislation, they press on anyway. Their only goal can be political—they seek to embarrass the President, to throw as many oratorical hurdles in his path as they can.

It is a shabby business, reflecting no credit on the senators involved. One would think they at least would be candid enough to admit that they know their efforts have little chance of success. But they continue to seek to create the impression that they are shaping momentous legislation.

Mr. President, even were the House of Representatives to agree to what we might pass in the Senate, it would still be an unwise procedure. It would still not result in improving the situation of the United States in its efforts to get out of the Vietnamese war without disaster to any persons.

Uppermost in the minds of all is the dreaded war now going on in Southeast Asia. Let us examine the history of that war.

Millions of Americans listened to these stirring words:

> Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe to assure the survival and success of liberty.

Who do you suppose uttered those words? It was none other than President John F. Kennedy in his inaugural address on January 20, 1961. At the time these words were uttered the United States had no armed combat troops in Vietnam. There were 660 American military men there at the request of the Vietnamese. They were unarmed. They were neither committed to combat duty nor had they engaged in combat.

On May 5, 1961, President Kennedy stated that the use of American forces in Vietnam was under consideration, and on the following August 2, he said:

> The United States will do all it can to help South Vietnam.

On October 29, 1961, the first U.S. soldier was wounded in battle action, and the first U.S. soldier was killed in action on December 27 of that year. We ended the year with 3,164 troops in Vietnam.

On January 27, 1964, Secretary of Defense Robert McNamara told the House Armed Services Committee:

> The survival of an independent government in South Vietnam is so important to the security of southeast Asia and to the free world that I can conceive of no alternative other than to take all necessary measures with our capability to prevent a Communist victory.

On May 22, 1964, Secretary Rusk said this concerning the choices in Vietnam:

> A third choice would be to expand the war. This can be the result if the Communists persist in their course of aggression.

The following August the U.S.S. *Maddox* and the *C. Turner Joy*, both destroyers, were attacked by North Vietnamese torpedo boats. Thereafter, President Johnson ordered air action against the gun boats and supporting facilities. The next day President Johnson sent his message to Congress asking for the much discussed Tonkin resolution. The rest you will remember. When President Nixon took his oath of office the U.S. troop strength in Vietnam amounted to 532,500 men.

I want to make one thing very clear: I do not charge, suggest, or imply that President Kennedy or President Johnson did not desire peace. I know that they desperately wanted to avoid war and to end the war. I mention these facts of history so that we can accurately assess our present situation.

Under our constitutional system of government the responsibility for the conduct of foreign affairs rests largely upon the shoulders of the President. It is the President who communicates with foreign nations. It is the President who appoints ambassadors and through his Secretary of State instructs them and determines what messages they shall carry. It is the President who initiates treaties. It is the President or his representative who represents the United States when nations of the world are assembled. Within a few months after President Nixon took office he made that historic trip around the world which ended in his very successful visit in Rumania.

I want to read a paragraph from the front page of the Washington Post for July 26, 1969:

> MANILA, July 26 (Saturday).—Beginning his personal diplomatic quest for long-term arrangements in the Far East, President Nixon today enunciated a new U.S. policy of decreasing militarily involvement in Asian conflicts . . . Mr. Nixon made clear that Asian leaders will have to plan to fight most of their own military battles from now on . . . His key formulation of the hard realities of this policy was this: In the case of internal insecurity or other military threats to Asian nations—except for the threat of a major power involving nuclear weapons—the United States is going to encourage and has a right to expect that Asian nations themselves will take increasing responsibility for their own defense.

The Washington Star for July 27, 1969, began its story of Nixon's trip with this paragraph:

> Enroute with Nixon—President Nixon, cheered by Philippine endorsement, today takes to Indonesia his message that the United States expects free Asian countries to move toward arranging their own defenses against all but a nuclear power threat.

What did all this mean? It meant a new approach. Actually it meant the beginning of the withdrawal of American troops from Southeast Asia which has resulted in 115,000 already being brought home.

Mr. President, this was a change in our policy, a new approach. Has it worked? It has worked for 115,000 men over there. President Nixon's decision to cross the line into Cambodia was for the purpose of speeding up the return of our men and saving the lives of more of our boys over there. It did not happen overnight. That has been the President's constant plan throughout the months.

The majority leader (Mr. MANSFIELD) described its significance with clarity. He is quoted in the Washington Post of the next day as follows:

> This is a break with the past, said Senate Majority Leader Mike Mansfield (D–Mont). "He is trying to lay it out cold," said Mansfield. It's refreshing—I was delighted with it.

Incidentally, that same issue of the Washington Post quoted me in its round-up of comments. I was anxious to read it to see how it sounded after many months had gone by. I will read a part of that quote:

> There's no question but what the United States is committed too heavily in too many places in the world. Candor and honesty require that notice be given that people will have to help themselves.

In spite of great odds, and faced with all the commitments of the past, and required to deal with a Congress of an opposite political party, President Nixon has been tremendously successful in his program of turning the fighting over to the South Vietnamese and bringing our combat troops home. The President's decision to cross the Cambodian border was for the purpose of saving the lives of Americans there and carrying out in the shortest possible time his program of withdrawing the American combat troops. His critics have been unable to prove anything to the contrary because that is the fact.

We have gone on and debated here for weeks. Page after page of oratory has been printed. But no one has been able to disprove the fact that the President's decision in respect to the Cambodian border was not for the purpose of aiding the program of bringing our combat troops home, and for the purpose of saving the lives of American men over there. Fears have been expressed, innuendos have been used, and other matters have been talked about, but no one up to this hour has been able to show that the crossing of this border was not an aid to get our American men out of Vietnam; no one has been able to show that the crossing of that border was not an effective way to prevent the loss of lives of Americans still in Vietnam.

Mr. President, President Nixon's critics have been unduly harsh. President Nixon deserves our praise and our prayers—not our bricks and our blasts.

It is so easy to forget, and sometimes it is embarrassing to remember. Therefore, I think it is important that today we review the things that have happened since the United States was committed to combat in Vietnam.

There was no Government policy stated by the President, or anyone speak-

ing for him, or by the Congress, committing this country to military action in Vietnam prior to 1961.

Those students of history who wish to pursue it might compare the language of the NATO Treaty with the SEATO Treaty. I believe it will be found that when the United States signed and ratified the NATO Treaty, this Nation said in substance, "We agree that an attack upon any one of the members of the NATO group is an attack against all." The Senate, in ratifying that treaty, agreed that an attack against a NATO country in Europe was an attack against the United States. Then it further provided that we could use all means to repel the attack. That was a commitment to war.

The SEATO Treaty did not go that far. It said, in substance, that an attack against any one of the nations that were parties to that treaty would be met by the others in a constitutional manner of procedure. In other words, it reserved to each country the right to face the situation, review the facts, and then meet it in a constitutional way.

It did not commit in advance the strength, the might, and the manpower of this country against an attack being made upon one of the SEATO countries. The commitment of support made to the NATO countries does that to a far greater degree.

Mr. President, I would also like to call attention to the fact that President Nixon has made no commitment to Cambodia. Those who have followed what he has said in all of his speeches and in all of his announcements are unable to point out where President Nixon has said, "We are going to defend liberty in Cambodia." He has not said we are going to grant to Cambodia all of the help we can. He has not said we are going to help Cambodia. He has not said we are going to repel communism in Cambodia. He has not said we are going to defend liberty in Cambodia.

President Nixon has made no commitment in Cambodia. What he did when he crossed the line was for Americans. Americans are in South Vietnam. They were there when Mr. Nixon became President, 115,000 have been brought home, and the President made a battlefield decision as to what was necessary to do in order to continue that program of bringing them home and saving the lives of those men over there.

There has been no commitment to do something for Cambodia. It is not that we do not wish them well. It is not that at some future time, or in the immediate future, financial or other aid may not be given to Cambodia. But I want to make clear that this was not an extension of the war commitment. This was a necessary act to protect the lives of Americans.

Mr. President, I have a number of specific dates and items that I wish to call to the attention of the country that are important in considering the history of the Vietnam war.

On January 29, 1961, Radio Hanoi recognized the National Liberation Front as the official government of South Vietnam.

Another date is worth noting in 1961. On March 10 the National Liberation Front announced the launching of a guerrilla campaign against the Government of South Vietnam.

On April 3, 1961, the United States and the South Vietnamese signed a treaty of amity and assistance.

On May 5, 1961, President Kennedy, at a news conference, announced that the use of American forces in Vietnam was under consideration.

On May 11, Vice President Lyndon B. Johnson flew to Vietnam.

On May 13, Vice President Johnson announced that U.S. military assistance would be increased.

On June 4, President John F. Kennedy and Khrushchev met in Vienna. The press reported that Khrushchev chided President Kennedy concerning the Bay of Pigs. James Reston, of the New York Times, reported later that after that meeting the decision was arrived at by President Kennedy on using U.S. troops in Vietnam.

On October 1, 1961, Admiral Felt, the U.S. Commander in the Pacific, said the use of U.S. troops in combat was not in the immediate plans. On October 29, 1961, the first U.S. soldier was wounded in battle with the enemy. Prior to that date, an American soldier had been wounded in a sabotage raid in Saigon by enemy terrorists who blew up a billet. However, this was not in action in the field against the enemy. The first such casualty involving a man wounded occurred on October 29.

On November 16, after a meeting of the National Security Council, President Kennedy announced increased U.S. forces for Vietnam. Assistant Secretary of State Robert Manning said President Kennedy advised him then it might mean the commitment of as many as 300,000 U.S. troops in Vietnam, but the decision to send 15,000 was made anyway.

On December 14, 1961, President Kennedy pledged increased U.S. aid.

On December 27, 1961, the first U.S. soldier was killed in action by the enemy.

On December 31, 1961, U.S. troop strength, at the year's end, had increased from 660 noncombatants in 1960 to 3,164.

Mr. President, I think the country would also be interested in knowing some of the significant happenings in connection with the history of this war through out the year 1962.

On February 7, two U.S. Air Force support companies arrived in Saigon, bringing the troops strength to 4,000.

On February 8, 1962, a reorganization of U.S. efforts in Vietnam was announced, making it a military command with a four-star general in command. The general was General Harkins.

On May 15, 1962, the United States ordered troops to Thailand.

On July 6, 1962, Secretary McNamara made his first statement declaring, "I am encouraged," and that progress was being made in Vietnam.

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

Mr. CURTIS. I am happy to yield.

Mr. KENNEDY. I just came to the floor a moment or two ago, and heard the recitation of dates and figures being read into the record by the distinguished Senator.

I was wondering whether the Senator had gone back to 1956, or indicated in his recitation the number of American military personnel who were present in Vietnam in January, 1961, and also whether he included in the record a statement of the claimed authority for the orders of President Eisenhower, relative to our involvement with the Saigon government.

I would be interested, having come to the floor after the Senator had begun his statement, to know whether he had made that statement, or whether he intended to place those matters in the record.

Mr. CURTIS. Mr. President, in response to the Senator's inquiry, let me state that I placed in the record the figure for the number of troops, according to my information, present in Vietnam at the beginning of 1961, which was 660. They were unarmed, they were there at the request of Vietnam, they were uncommitted to combat, and they had not engaged in combat.

Mr. KENNEDY. Does the Senator mean to suggest that there were 660 American military forces there that had no arms at all, in Vietnam at that time?

Mr. CURTIS. That is correct.

Mr. KENNEDY. What were military personnel doing in Vietnam without any kind of military equipment, and without any kind of arms to defend themselves?

Mr. CURTIS. They were there as instructors, is my understanding.

Mr. KENNEDY. And advisers?

Mr. CURTIS. And advisers, with no weapons issued to them.

Mr. KENNEDY. But nonetheless, these were American military personnel who were present, who were placed there during some time between 1956 and 1960, were they not?

Mr. CURTIS. That is correct. I also mentioned just briefly the SEATO Treaty, and, without involving any technical discussion of it, pointed out that it had some differences from the NATO Treaty.

Mr. KENNEDY. I thank the good Senator, because I think in terms of the total involvement, it is appropriate to present in the record the very logical buildup of military personnel in Vietnam. It appeared to me, at least, that the Senator was starting at the period of 1961, and I had not heard read into the record the number of American military personnel who were present, or any justification for their presence in Vietnam, which I understand dates as far back as 1956, during the Eisenhower administration.

So I thank the Senator for at least helping to clarify that point.

Mr. CURTIS. I thank the Senator. Of course, we are all aware that these things built up over a period of time.

I also stated, at the opening of my remarks, that I wanted it abundantly clear that I felt that every President of the United States honestly desired peace and, after the war came, honestly de-

sired to bring it to an end. I recite these facts of history merely as perspective for the situation we now face, in June 1970, in reference to our decisions in Vietnam.

On September 12, 1962, U.S. Gen. Maxwell D. Taylor, Chairman of the Joint Chiefs of Staff, visited Southeast Asia, particularly the military bases in the central highlands.

At the end of 1962, the U.S. troop strength was 9,865, and we had incurred casualties of 42 killed.

In 1963, I think the following dates are significant:

On April 14, U.S. Under Secretary of State Averell Harriman, in a television interview, said that the decision had been made that the United States must not become involved in the continuing conflict in Laos. He said that there were no plans to commit U.S. troops, and military supplies would be sent only if requested by that Government.

On April 22, U.S. Secretary of State Dean Rusk called the situation in South Vietnam difficult and dangerous, and said that the United States "cannot promise or expect a quick victory," and that its role would be "limited and supporting."

On June 11, 1963, a Buddhist monk, Thich Quang Duc, committed suicide by burning himself to death with gasoline in front of the Cambodian Legation. This further aggravated the religious crisis involving the South Vietnamese Buddhists.

On June 27, 1963, President Kennedy announced the appointment of Henry Cabot Lodge as the next Ambassador to South Vietnam, effective in September 1963, to succeed Ambassador Frederick Nolting.

On July 11, 1963, U.S. Ambassador Nolting returned to South Vietnam after consultations in Washington and issued a statement assuring continued U.S. support to President Diem and warning that unity of purpose and purpose in action must not be weakened by internal dissension.

On September 2, 1963, the Times of Vietnam, a newspaper, charged that U.S. intelligence agents had planned to overthrow the President of South Vietnam. On the same day, the statement was made by the President of the United States, as quoted in a CBS television interview, that:

> The United States was prepared to continue to assist South Vietnam, but I don't think that the war can be won unless the people support the effort, and in my opinion, in the last two months, the government has gotten out of touch with the people.

On October 2, 1963, Secretary of Defense Robert S. McNamara and General Taylor, Chairman of the Joint Chiefs of Staff, said that the United States would continue its "policy of working with the people and Government of South Vietnam to deny this country to communism and to suppress the externally stimulated and supported insurgency of the Vietcong as promptly as possible. Effective performance in this undertaking is the central object of our policy in South Vietnam."

On November 1, 1963, a military coup was organized against the Diem regime. Rebels lay seige to the presidential palace in Saigon, which was captured by the following morning, and the President and his brother escaped from the palace. A few hours later they were taken by the rebels, and while being transported in an army carrier to rebel headquarters, they were assassinated. A proclamation broadcast by the leaders declared that they had "no political ambitions" and that the fight against the Communists must be carried on to a successful conclusion.

On November 2, the military leaders in South Vietnam set up a provisional government headed by a Buddhist premier. The constitution was suspended, and the National Assembly was dissolved. Buddhists, students, and other political prisoners arrested by the former regime was released.

On November 9, 1963, the United States announced resumption of its commodity import aid to South Vietnam, which had been suspended in August.

On November 15, 1963, a U.S. military spokesman in Saigon reported that the first 1,000 U.S. servicemen would be withdrawn from South Vietnam beginning December 3.

Mr. President, that promise to bring 1,000 U.S. servicemen from Vietnam, never happened. Perhaps something prevented it. I do not charge bad faith. The cold facts are that it did not take place. The withdrawal of combat troops from South Vietnam is something that has occurred in the last year and a half. It is a program we should support, and we should support the leadership which has made that possible.

On November 22, 1963, a very sad event occurred. I refer to the day that President Kennedy was assassinated. He was President of all the people. It was a sad day for all of us. The reins of Government passed to Lyndon B. Johnson, as President of the United States.

On November 24, 1963, President Johnson affirmed the intention of the United States to continue its military and economic support of South Vietnam's struggle against the Communist Vietcong.

On December 31, 1963, our troop strength in Vietnam was 16,000. Up to that time, the deaths resulting from the war—that is, the battle deaths—amounted to 78.

We turn now to a few events of the war that occurred in 1964.

On January 27, U.S. Secretary of Defense Robert McNamara, in a statement to the House Armed Services Committee, stated that the situation in South Vietnam continued grave but that:

> The survival of an independent government in South Vietnam is so important to the security of Southeast Asia and to the free world that I can conceive of no alternative other than to take all necessary measures with our capability to prevent a Communist victory.

On the same day, France established diplomatic relations with Communist China.

From April 13 to April 15, 1964, the Southeast Asia Treaty Organization Ministerial Council communique declared that the defeat of the Vietcong was essential to the security of Southeast Asia, and SEATO was to fulfill its treaty obligations.

On April 25, 1964, General Harkins was replaced by General Westmoreland in Saigon.

On May 12, 1964, Secretary Rusk asked NATO members to give greater support to Southeast Vietnam.

On May 22, 1964, Secretary Rusk stated that the choices in Vietnam were threefold. Among other things, he said this:

> A third choice would be to expand the war. This can be the result if the Communist persist in their course of aggression.

On August 2, 1964, the U.S.S. *Maddox* was attacked in international waters off the Coast of North Vietnam by North Vietnamese torpedo boats, and on August 4 the destroyer *C. Turner Joy* and the destroyer *Maddox* were attacked by North Vietnamese PT boats.

On that sad day, August 4, 1964, President Johnson ordered air action against gunboats and certain supporting facilities in North Vietnam.

On August 5, 1964, President Johnson sent a message to Congress asking for the passage of the now much discussed Gulf of Tonkin resolution. A joint resolution was introduced. It was entitled "To Promote the Maintenance of International Peace and Security in Southeast Asia."

Mr. President, it is not my purpose at this time to discuss the Gulf of Tonkin resolution. It was brought here to the floor of the Senate by the Committee on Foreign Relations. It was explained by the chairman of the committee, the distinguished Senator from Arkansas (Mr. FULBRIGHT).

There may be a time and place to discuss the Gulf of Tonkin resolution, but I shall not do so at this time.

At any rate, it was overwhelmingly passed by the Senate.

On August 5, 1965, the United States sent reinforcements to the Tonkin Bay area.

On August 6, 1964, Cambodia made a charge, alleging that Americans in uniform joined the South Vietnamese in firing into Cambodia.

August 7 was the date that Congress approved the Gulf of Tonkin resolution. The vote in the Senate, according to my recollection, was 88 to 2, and the House of Representatives it was 416 to 0.

On August 11, the Gulf of Tonkin resolution was signed by President Johnson.

On September 8, 1964, the Department of Defense reported that U.S. destroyers in the Gulf of Tonkin fired on and presumably hit four or five hostile targets.

The year 1964 closed. We had a total troop strength in Vietnam of 23,000 men. Casualties amounted to 147 killed.

Now we turn to the year 1965. On February 6, Russian Premier Kosygin arrived in Hanoi. I mention that because I believe it is significant. Individuals who have been in Vietnam, individuals who have had access to reports on what was going on there, are convinced that the supplier to the Hanoi war machine was Soviet Russia.

On February 7, U.S. planes struck targets in North Vietnam.

The news also reported that U.S. dependents were being evacuated from South Vietnam as of that date.

On February 8, the news reported that South Vietnamese Air Force planes accompanied U.S. air missions into North Vietnam.

President Johnson indicated that further developments would depend upon Communist response.

On February 8, the second day after his arrival in Hanoi, Russian Premier Kosygin announced Soviet willingness to aid North Vietnam if it was invaded.

On February 25, North Vietnamese officials stated that negotiations would be considered, if American troops were withdrawn.

Mr. President, I recite these facts not for the purpose of pointing a finger at anyone. I believe that every occupant in a place of high position throughout all these years desired above all to have the war end and for us to be at peace.

I recite these facts merely to give some background as to how involved the Vietnam war has become, and how far we were involved when President Nixon took over.

Because, after all, what is the pending business? It is a proposal to tie the hands of President Nixon, to limit his freedom of action? Therefore, I think that it is important we review all the happenings in the war, not for the purpose of censuring, not for the purpose of pointing accusing fingers, but for the purpose of understanding the whole background of the tremendous buildup of the war effort in Vietnam to over half a million men, and then how the whole program was reversed and a program was inaugurated of turning the fighting over to the Vietnamese.

Senators will also recall that I mentioned a while ago that President Nixon, on his round-the-world trip, made the historic announcement that hereafter, in the absence of nuclear war, the defense of Asia would have to be carried on by the Asians.

It was a new day, as a number of people commented, at the time President Nixon announced that reversal.

Has it worked?

It has worked. There have been 115,000 American men withdrawn from combat. I think we should give it a chance to proceed in that direction.

I mentioned that on February 25, 1965, the North Vietnamese officials stated that they would negotiate, if American troops were withdrawn.

That sounds like yesterday's newspaper, because that is what they are still saying in Paris.

Dating back to February 27, 1965, the State Department issued a white paper detailing the aggression on the part of North Vietnam.

It was on February 28, 1965, that the United States and South Vietnamese officials declared that President Johnson had decided to open continuous limited air strikes against North Vietnam in order to bring about a negotiated settlement. That was 5 years ago last February 28.

On March 6, 1965, two U.S. Marine battalions were sent to Vietnam for limited duty.

Mr. President, I again point out that throughout all this time, U.S. high officials repeatedly expressed a desire to have the war end and to have peace restored to that part of the world.

It was on March 25, 1965, that in a public statement President Johnson held out to North Vietnam the prospect of economic aid if peace were secured.

Mr. President, I am trying to point out that throughout all these years sincere efforts were made to secure peace and to have the United States relieved of this burden of carrying on combat activities in Southeast Asia. Those efforts were made in good faith. They did not succeed. Our build-up there continued, and now we have a program that is working.

We have a situation in which the President of the United States notified the world about a year ago that thereafter the battles of Asians would have to be fought by Asians. There was a carefully designed program of turning the fighting over to them and bringing our own men home.

We all wish that instead of 115,000 men being brought home, it could have been 200,000 or that all of the men could be brought home. Surely we do. But let us not reverse the program that has brought 115,000 home. Let us not force the President of the United States to go before the world handicapped, embarrassed, and with his hands tied.

That will not help the United States. That will not bring peace to Southeast Asia. Mr. President, I pointed out that President Johnson offered massive economic aid to Vietnam. I believe he did it with a sincere desire to bring peace to the world and particularly to that part of Southeast Asia. It did not work.

We now have something that is working. Why should the U.S. Senate engage in debate day after day that in any way hinders that program of turning the combat over to the South Vietnamese and bringing our men home?

That is the program that is being challenged. That is the program that is being contested. That is the program that restrictions are being imposed upon.

Mr. President, it was on April 2, 1965, that the United States announced the intention of sending several thousand more troops to South Vietnam.

On April 7, 1965, President Lyndon Johnson, in a speech at Johns Hopkins University, stressed our willingness to negotiate and suggested a $1 billion aid program for Southeast Asia. Every conceivable effort to bring peace to that part of the world and to get the United States relieved from this combat burden had been tried. And I think that it had been tried with the best of intentions.

For the life of me, I cannot see why today we harass those in charge when, after years of trial and error, a program is initiated that works and that is bringing the troops home and that has been sold to the nations of the world—and they have accepted it—to the effect that the United States will not carry the combat burden in Asia.

On May 4, 1964, President Johnson requested $700 million supplemental appropriations for the Department of Defense for the Vietnam effort. That was a supplemental request that was in addition to the regular appropriations.

On May 13, 1965, the United States halted the bombing missions on North Vietnam.

Mr. President, the Communists are not sincere in their desire for peace. They say, "If you will stop doing these things, we will negotiate." Our country has tried all of these things and without success.

On May 19, 1965, the United States resumed the air attacks on North Vietnamese targets.

On June 7, 1965, U.S. military authorities disclosed that the number of American military personnel in South Vietnam has passed the 50,000 mark. The Army had 21,500; the Marine Corps had 16,500; the Air Force had 9,500; and the Navy had 3,500.

Mr. President, on June 8, 1965, our State Department spokesman said that the U.S. military command in South Vietnam had been authorized to send American troops into combat alongside the Vietnamese forces if such "combat support" were requested by South Vietnam. That was on June 8, 1965.

On June 16, 1965, Secretary of Defense Robert McNamara announced new troop movements to Vietnam which would bring the total there to over 70,000 men.

On June 25, 1965, President Johnson, in an address at ceremonies in San Francisco commemorating the 20th anniversary of the signing of the U.N. Charter, declared that "bilateral diplomacy" for a peaceful settlement had "yielded no results." He was speaking of the war in Vietnam.

He added:

> I now call upon this gathering of the nations of the world to use all of their influence, individually and collectively, to bring to the table those who seem determined to make war. We will support your efforts as we will support effective action by any agency of these United Nations.

Mr. President, this is a significant statement. Again, it shows a sincere effort to end the fighting by Americans in Vietnam. It did not bring results. No agency of the United Nations has been able to bring the Communists to the peace table on Vietnam under any condition whereby the Communists really want to end the war. Neither the United Nations nor any agency connected therewith has been able to so relieve the burden of America that America could withdraw troops from combat in Vietnam.

For about a year we have had such a program of turning the fighting over to the Asians and getting our own men home. Why should the Senate attempt to pass a resolution, an amendment, or a proposal of any kind that censures and restricts the only program that has been a success in reversing the trend in getting America out of Vietnam instead of that trend which built up for so many years of getting us further and further involved? We should be here today supporting the President and not here with amendments and resolutions making his task more difficult. The people back home understand that. Support for the Presi-

dent is growing every day. It is time for the Senate to catch up with the people back home.

Mr. President, it was on June 28, 1965, that American troops participated in their first major attack of the Vietnamese war. Up until that time, it had participated along with the Vietnamese. It was 5 years ago on the 28th of June that there was an American attack in the Vietnam war.

On July 10, 1965, President Johnson declared in a press conference that in Vietnam:

> We committed our power and our honor.

Lest I be misunderstood, I want to firmly assert that he made that statement in the full belief that it would hasten the day when American men would not have to fight in Vietnam.

Five years have gone by; they are still there. However, under a program inaugurated about a year ago, they are coming home and the fighting is being turned over to the South Vietnamese.

Why, oh, why, are we here proposing amendments and resolutions to detract from the efforts and to make the burden harder for the President? We should support him, not hinder him.

From July 12 to July 18, 1965, news services reported that the United States had started a large-scale buildup of its forces in South Vietnam.

On July 15, 1965, a voluntary censorship of news was requested of journalists by the U.S. military assistance command in Vietnam. This was a war. Again, I do not attach to that request for voluntary censorship anything wrong or improper or that was not well intended. It does point out that a war had been going on in Vietnam for a long time. It does point out the fact that after trying many things, a program is underway of bringing the boys home. Let us support that program; let us support the Commander in Chief, just as we supported all his predecessors in their efforts to try to end America's responsibilities in Vietnam.

On July 28, 1965, President Johnson stated in a press conference:

> We must not let this (the unconventional nature of the fighting) mask the central fact that this is really war.

On July 19, 1965, the Department of Defense reported that 561 Americans had been killed, 3,024 wounded, and 44 missing in Vietnam between January 1, 1961, and August 16, 1965.

On October 23, 1965, U.S. military authorities in Saigon reported that U.S. forces in South Vietnam had reached a total of 148,300 men: 89,000 Army, 8,000 Navy, 37,000 Marine Corps, 14,000 Air Force, and 300 Coast Guard.

On November 11, 1965, Correspondent Eric Sevareid reported in a Look magazine article that the United States rejected a Hanoi proposal in 1964 that United States and North Vietnamese representatives meet in Rangoon, Burma, to discuss a possible means of ending the Vietnam war. State Department spokesman Robert J. McClockey stated that:

> On the basis of the total evidence available to us, we did not believe at any time that North Vietnam was prepared for serious talks.

Mr. President, I do not question their judgment at that time. I believe those men were patriots, I believe those men were seriously interested in the United States, and I believe they were seriously interested in peace. Nevertheless, they were supported. Congress united back of them in order that they might be successful in managing the affairs of this country to bring this war to an end. Why should we do anything less at the present time? Why should the Senate be engaged in a harassing attack? Why should the Senate be engaged in efforts to restrict the power of the President when we know that he is acting for the best interests of our country and we further know the course he is following is working, and that it is turning the fighting over to Asians and bringing back our men?

On November 18, 1965, a Defense Department casualty report stated that 108 U.S. soldiers were slain in the week ending November 15, a weekly record total, bringing to 1,095 the number of Americans slain since January 1, 1961.

On November 29, 1965, Defense Secretary McNamara stated in a press conference that:

> The Vietcong's expressed determination to carry on the conflict . . . can only lead to one conclusion—that it will be a long war.

Mr. President, where were the critics of our involvement in Vietnam at that time?

On December 15, 1965, U.S. Air Force planes bombed and destroyed a North Vietnamese thermal power plant in the first American air raid on a major North Vietnamese industrial target.

Here again something was undertaken in an effort to end the war. But it has gone on. Five long years have gone by. Today we are in a program that is working out and we are bringing home our combat troops and turning the fighting over to those who live in that area. Why, oh why, should we interfere with those plans?

On December 24 and 25, a 1-day Christmas truce was agreed to by the United States and the Vietcong. The United States also suspended air strikes as part of the short cease fire.

By the end of 1965, on December 31, our troop strength in Vietnam was 181,000. The casualties were 1,369 dead.

Mr. President, perhaps there are people who place no value upon history. I believe that we should always look to the future. We should always undertake to do that which is forward looking. However, if we are wise, we must turn to the past that we might learn from experience, but we should also turn to the past in order for us to assess the present and to arrive at the best decision of how to approach the future. That is why I believe it is well that we review this long struggle in Vietnam.

I believe that it is well to give attention to all of the efforts that were made to try to get the Congress to sincerely come in and want to end the war. I believe it is important that we review the facts so that we know just how complex and how involved the Vietnam war is. Then we can better decide whether or not we should be here today with proposals to tie the hands of the individual who is responsible for carrying out the program of this country, not only in the fighting of the war but in presenting the view of the United States to the whole world.

The leadership that must be exerted by any President of the United States in world affairs is awesome and great. The President of the United States is always the chief negotiator for this country. He is the individual empowered to speak, to communicate with foreign governments, to propose meetings, to initiate treaties. It is an awesome responsibility.

How can we serve our country in our time by harassing action such as we have before the Senate? If anyone doubts that this is an harassing action, let him bring forth convincing evidence that what is proposed here, if it passes, will ever be considered and passed by the House of Representatives.

I hope that the leadership of the Senate and the proponents of the amendments that would curtail the powers of the President will withdraw those proposals and that we will turn our attention and our time not only to the legislative program that awaits us, but in support of the President, in support of the idea of turning the fighting over to Asians in Asia, and in support of the idea of bringing our combat troops home.

Mr. President, on January 31, 1966, President Johnson announced in a broadcast speech the resumption of U.S. air strikes against North Vietnam. At the same time he instructed U.S. Ambassador Arthur Goldberg formally to request the U.N. Security Council to intervene in the crisis to seek an international conference to end the war and establish a permanent peace in Southeast Asia.

I am sure that was a well-intentioned effort. I wish it had succeeded. I am glad that the Senate of the United States did not engage in an exercise at that time to make the job for President Johnson more difficult.

We would always have lived in regret that perhaps our harassing tactics might have been a factor which caused that noble suggestion to fail. And today the President of the United States is entitled to the support of the Senate in his efforts to shift the burden of the fighting over to the Vietnamese and to bring our combat troops home.

This program is not one of domestic oratory. This program is one that was presented to the nations of the world. It has been accepted by them, and it is working.

On February 4, 1966, Defense Secretary McNamara refused, on the grounds of security, to testify publicly before the Senate Foreign Relations Committee. His position was publicly endorsed by President Johnson.

I am not here to suggest that they were not right. I am glad that the Senate of the United States did not make issue of it at the time.

On February 6, 1966, President Johnson and other U.S. officials arrived in Honolulu for discussions with Premier Ky and other Saigon representatives concerning the Vietnamese war. In his remarks at the airport ceremony, President Johnson declared that those who counsel retreat from the war "belong to

a group that has always been blind to experience and deaf to hope."

Mr. President, I do not want to become repetitious, but I want to make it abundantly clear that I am not censuring President Johnson. I am citing this example to show his sincere effort in behalf of this country, and to show how involved we are in this war, and over how long a time the buildup has been taking place.

The Senate supported Lyndon Johnson at that time. My request is to let us today give the President of the United States, in 1970, our full support in his efforts to serve this country and to serve the cause of peace.

On February 7, 1966, retired Lt. Gen. James Gavin appeared before the Senate Foreign Relations Committee to present his views on the Vietnam conflict. I think those views disagreed with those of the President, but there was no official action taken in the Senate that might have made President Johnson's burden greater.

On February 8, 1966, President Johnson stated his determination, at the conclusion of the 3-day Honolulu conference, to fight the battle against aggression as well as the battle for social construction in Vietnam.

On February 11, 1966, President Johnson, at a news conference disavowed any desire to escalate the war. However, he added that "additional troops" would be sent in as militarily required.

On March 5, 1966, General Taylor proposed the mining of the Haiphong harbor. Maybe it should have been done; I do not know. I am not suggesting that it should have. I do believe that these decisions are so difficult and so awesome that we should extend consideration to those who must assume the responsibility for them.

On March 11, 1966, Vice President Hubert Humphrey barred any settlement of the Vietnam war that would give the Vietcong a role in a coalition not earned in free elections.

I think that was fine. I agreed with him. And if it was true on March 11, 1966, maybe it is true in June 1970. There was no uproar in the U.S. Senate challenging that position back in 1966. Every support possible was given to the leadership of this country.

On April 12, 1966, B–52's from the U.S. Strategic Air Command base in Guam bombed North Vietnam for the first time. The press reported a Pentagon decision to use B–52's regularly in bombing the North.

On April 22, 1966, Pauline Frederick, National Broadcasting Co. reporter, quoted a Soviet informant as stating that North Vietnam would be willing to enter into peace negotiations if the United States would halt the bombing of the north.

Mr. President, we have halted the bombing of the north many times, but the Communists have not kept their promises. We have tried so many things in this war, and they have not worked. For the last year we have been trying a program that has worked. It has been accepted by the other nations. It was announced by the President a year ago on his trip around the world. That program was that we would shift the burden of fighting the Asians' war to the Asians; and, coupled with that, we would be bringing Americans back to this country, away from their combat engagements.

Why should we not let that program go on? Why should we be here today trying to figure out amendments to curtail the President of the United States, when the President of the United States has made a success of a program that is for the benefit of all of the United States, and particularly those men involved in Vietnam?

On May 2, 1966, Secretary McNamara predicted an increase in U.S. troop strength in order to offset rising North Vietnamese infiltration.

On May 22, 1966, Harold Brown, Secretary of the Air Force, stated that President Johnson had decided against expanding the list of bombing targets in North Vietnam to include industrial and port installations and fuel storage facilities.

On June 18, 1966, President Johnson, in a news conference, declared that the United States should persist in using the ground, naval, and air strength required to achieve our objectives, and warned:

> I must observe that this does not mean that we shall not increase our forces or our operations.

On June 26, 1966, Secretary of State Rusk, in Canberra, Australia, stated that he saw no prospects for an early peace in Vietnam. Mr. President, there was no turmoil in the Senate at that time. I believe that the Senate realized that those who were making the decisions were doing their very best to serve the United States. Why should this harsh and unreasonable and unfounded criticism of President Nixon prevail now? Why should we not give to him our complete support, so that the program of returning combat troops can continue and so that he can take such action as necessary to save the lives of American men in Vietnam and to hasten their return?

On June 29, 1966, American planes conducted the first of continuing attacks on oil installations in the areas af Hanoi and Haiphong.

On June 30, 1966, speaking in Omaha, Nebr., and in Des Moines, Iowa, President Johnson warned that attacks upon military targets in North Vietnam "will continue to impose a growing burden and a high price on those who wage war against the freedom of their neighbors," and called for unconditional peace talks, saying:

> There need only be a room and a table and people willing to talk respectively.

President Johnson was trying his very best. In that, the country supported him. Why should we do less today?

On July 30, 1966, B–52 bombers initiated the first of a series of attacks on growing North Vietnamese troop concentrations in and around the demilitarized zone.

On August 3, 1966, the House Appropriations Subcommittee made public testimony of May 11 by Secretary Rusk in which he said that the United States observed a no-bombing buffer zone along North Vietnam's border with Red China.

On September 5, 1966, President Johnson said that a U.S. troop withdrawal from South Vietnam was dependent upon a pullout of Communist forces.

On September 22, 1966, Ambassador Goldberg stated that the United States would halt the bombing of North Vietnam when it received assurances, privately or otherwise, that Hanoi would respond by a reduction of its war effort. The United States would then be prepared to participate in a mutual withdrawal of military forces under international supervision.

On October 16, 1966, President Johnson left on a 17-day trip that would include the conference at Manila, and on October 24, the Manila conference opened. Premier Ky of South Vietnam told the conference that South Vietnam would press a program of political and economic reform.

On October 26, 1966, President Johnson paid a surprise visit to Camranh Bay, South Vietnam, and pledged full support to the U.S. forces.

On November 5, 1966, Secretary McNamara stated that the number of U.S. troops in Vietnam would continue to grow in 1967 but at a lower rate than the increase in 1966.

Mr. President, where were the voices of censorship and criticism in the U.S. Senate at that time? They were not heard. I do not think they should have spoken out. War is serious business. Support was given to the President. It is to be given to the President now.

On November 12, 1966, Hanson Baldwin, New York Times military writer, asserted that Pentagon military experts had estimated that 600,000 to 750,000 U.S. troops were needed in South Vietnam to achieve the objectives of defeating the Communists and pacifying the country.

Now we turn our attention to 1967.

On January 8, the United States predicted "sensational" military gains in 1967 and that open peace negotiations would probably never take place.

On January 13, 1967, Gen. Earle Wheeler, Chairman of the Joint Chiefs of Staff, said that the United States would not bomb Mig bases in North Vietnam.

On January 23, 1967, in his annual posture statement before the Senate Armed Services Committee and the Defense Appropriations Subcommittee, Secretary McNamara listed enemy strength in South Vietnam at 275,000 men, including 45,000 North Vietnamese regulars. The Secretary stated that U.S. strategy is limiting the buildup of Communist forces in the South because they are losing as many men as they can recruit.

On January 25, 1967, the Associated Press reported an order by the Johnson administration barring American planes from venturing within 5 miles of the center of Hanoi.

On January 26, 1967, U.S. officials acknowledged previous reports of secret negotiations with the National Liberation Front, but claimed that they dealt only with American prisoners held by the Vietcong.

Mr. President, that is all right. It does point out the problem faced by the Government of the United States. It does

point out the long history of involvement in Vietnam.

On February 9, 1965, Secretary Rusk told newsmen that the United States would not cease the bombing of North Vietnam until Hanoi showed a willingness to reduce its military efforts in the south. He accused Hanoi of trying to secure a halt in the air raids without any limitations on its own military activities.

On February 14, the United States bombed North Vietnam, after a pause of nearly 6 days. President Johnson cited Hanoi's "major resupply efforts" during the break as justification for the action.

On February 15, Secretary McNamara told newsmen that the northern bombing was effective, but that the major military objectives of the war must be achieved in South Vietnam.

On February 24, Secretary McNamara stated at a news conference that the United States might bomb new targets in North Vietnam.

On February 27, U.S. planes began to drop mines in North Vietnamese rivers.

On March 21, the North Vietnamese Foreign Ministry disclosed that President Johnson and Ho Chi Minh exchanged letters in February, and that Ho had rejected the President's call for peace talks unless the United States halted the bombing and all other acts of war against North Vietnam.

Mr. President, that sounds just like yesterday.

One thing that has been unchanging throughout the war, and somewhat surprising, is that fact, and that some Members of this august body would suggest that, if the United States stopped doing something, peace would come to the world.

Are we to imply that generous, peace-loving Uncle Sam is the instigator of all wars—of this war?

I think not.

On March 27, the Senate Armed Services Subcommittee issued a report charging that restrictions on U.S. pilots bombing North Vietnam had resulted in increased American casualties in the air war. The report proposed a relaxation of the limitations.

On April 20, U.S. planes bombed two powerplants inside Haiphong for the first time. United States and allies participating in the Vietnam war held a strategy conference in Washington.

On April 24, U.S. planes attacked two North Vietnamese Mig bases, marking the first strike against such installations.

On April 28, in a speech before Congress, Gen. William Westmoreland predicted that U.S. forces would "prevail in Vietnam over the Communist aggressor." He also asserted that "in evaluating enemy strategy, it is evident to me that he believes our Achilles heel is our resolve."

Mr. President, I think that President Johnson meant that. I think he was sincere.

On May 3, at a news conference, President Johnson stated that he had no "imminent" plans substantially to increase U.S. fighting strength in Vietnam.

I am glad that the Senate did not jeopardize the possible, fruitful results of his efforts by any exercise that might be an embarrassment, a harassment, or a tying of the hands of the President.

On May 5, U.S. Marines captured the third and final peak of Hill 881, after days of bitter fighting.

On June 22, according to Department of Defense figures, total U.S. troop strength in Vietnam was reported to be 463,000 as of June 17.

On July 1, at a Saigon press conference, before his return to Washington, Secretary McNamara stated that the United States would continue to provide the troops which our commanders considered necessary, but that what was necessary would depend on the extent to which we used the resources we had available to us.

On August 3, President Johnson announced that he had authorized the raising of the maximum limit on U.S. personnel in South Vietnam to 525,000.

Now, Mr. President, we turn our attention to 1968.

On January 2, the allied New Year's truce ended and the United States resumed the bombing of North Vietnam.

On January 6, President Thieu stated that Saigon and Hanoi should be the principal parties to any peace negotiations.

On January 7, Assistant Secretary William Bundy stated that peace talks on Vietnam might "lead away from peace" if the Communists used a cessation of the U.S. bombing of North Vietnam to pour men and supplies into the South.

It was probably true that Secretary Bundy sized up the situation accurately.

On January 15, speaking to a group of Vietnamese newspaper editors, President Theiu declared that South Vietnam "should have the central role in any development relating to the events in Vietnam," and that "peace efforts should be made by the Saigon government." Secretary Rusk stated in Washington that there could be no decisions on negotiations without full consultation with the Saigon government, and that the future of South Vietnam could not be decided without the "full participation" of the South Vietnamese Government.

On January 6, Mai Van Bo, the chief diplomatic representative in Paris, told newsmen that before talks could be held, the United States must stop the bombing and "other acts of war" against Vietnam without exception of any reciprocal action by Hanoi.

On January 17, North Vietnamese officials in Paris reportedly told a French journalist that peace talks would begin as soon as the United States halted the bombing and other acts of war against North Vietnam. They also said that the door was open to discussions on any subject, including the U.S. view that Hanoi not take advantage of a cessation of the bombing, but declared that there could be no question of a reciprocal de-escalation by Hanoi in exchange for a bombing halt.

On January 18, Cambodia charged that the U.S. and South Vietnamese forces intruded 200 yards into its territory on January 18, killing three Cambodians.

On January 1, 1968, a commentary in North Vietnam's official newspaper, Nhan Dan, described President Johnson's "San Antonio formula" as a "habitual trick" with "very insolent conditions." It stated that the United States had no right to ask for reciprocity in return for a cessation of the bombing of North Vietnam.

On January 22, 1968, the State Department acknowledged that a combined United States-South Vietnamese patrol had entered Cambodian territory on January 18 in the heat of battle with a Vietcong unit that had fled into that country.

On January 25, 1968, testifying before the Senate Armed Services Committee, Clark Clifford, the President's nominee for Secretary of Defense, stated that he would "assume" that North Vietnam would "continue to transport the normal amount of goods, munitions, and men to South Vietnam," if the United States halted the northern bombing.

On January 29, 1968, the allies canceled their 36-hour Tet truce in South Vietnam's five northernmost provinces and stated that the United States would continue bombing North Vietnam south of Vinh, a city about 125 miles north of the demilitarized zone. The U.S. sources cited the Communist buildup around Khesanh as the reason for the cancellation.

On January 30, 1968, the New York Times reported that the United States had informed North Vietnam that it would stop the bombing of the north if Hanoi did not increase the infiltration of men and supplies beyond the level maintained while the bombing proceeded.

On January 30 and 31, 1968, the Communists launched simultaneous attacks on major South Vietnamese cities, including Saigon, where they temporarily invaded the grounds of the U.S. Embassy. President Thieu announced a total cancellation of the 36-hour allied Tet truce.

Also on January 31, 1968, President Thieu declared marshal law throughout South Vietnam as the Communists continued their attacks on allied bases and major cities.

On February 1, 1968, Secretary McNamara presented his final posture statement to Congress. He warned that the combat strength of the North Vietnamese forces in South Vietnam "may increase sharply in the next few months" and stated that North Vietnam's manpower reserves were adequate to meet current demands and that Hanoi could support a higher level of military mobilization. He declared that ultimate success in South Vietnam depended on the ability of the Saigon government to reestablish its authority over its territory so that peaceful reconstruction could be undertaken. He stated that the bombing of North Vietnam had left few strategically important targets unstruck, but expressed the opinion that the air attacks could not pinch off the flow of military supplies into the south.

Also on February 1, 1968, General Westmoreland predicted that the Communists would follow up their attacks on South Vietnamese cities and allied bases with their biggest offensive of the war in the country's two northernmost provinces.

On February 2, 1968, President Johnson told newsmen that the Communists had failed to achieve their stated goal of sparking a general uprising in South Vietnam's cities. He also stated that he had no evidence to indicate a connection between the *Pueblo* incident and the Communist Tet offensive, but that practically every expert whom he had consulted thought a connection did exist.

On February 7, 1968, North Vietnam reportedly used tanks for the first time in the Vietnam war in an attack upon the U.S. Special Forces camp at Langvei, 5 miles west of Khe Sanh near the Laotian border. The camp fell on February 8.

On February 10, 1968, Secretary Rusk told the National Association of Secondary School Principals that the Vietnam war might be entering the "climactic period."

On February 13, 1968, the Pentagon announced that the United States would airlift 10,500 additional troops to Vietnam in compliance with General Westmoreland's request.

On February 14, 1968, Secretary Rusk announced that all U.S. attempts to launch peace talks "have resulted in rejection."

On February 16, 1968, President Johnson at an unscheduled news conference stated that it was in the Nation's interest to have General Westmoreland as commander in Vietnam at this critical stage. He also said that the Joint Chiefs of Staff had made no recommendations for the use of nuclear weapons in Vietnam and that Hanoi was not any more ready to negotiate than it had been 3 years previously.

On February 18, 1968, the Communists shelled more than 30 bases and outposts across South Vietnam.

On February 20, 1968, Secretary McNamara testified before the Senate Foreign Relations Committee on the 1964 Gulf of Tonkin incident. He denied any element of provocation on the part of the United States and insisted that Washington had conclusive proof of North Vietnamese attacks on two U.S. destroyers before ordering airstrikes against North Vietnam.

The news stories of that day stated that the Secretary's statements were disputed by certain Senators. Those Senators contended that the incident did not justify the subsequent American bombing.

On February 24, 1968, South Vietnamese forces recaptured the palace grounds of the citadel at Hue after 25 days of fierce fighting.

On February 25, 1968, General Westmoreland stated that additional U.S. troops "will probably be required" in Vietnam.

On February 27, 1968, a South Vietnamese Army unit reported sighting Communist armored vehicles within 50 miles of Saigon.

Mr. President, this is a story of the long years of war in Vietnam. This is a story of the sincere efforts on the part of the heads of our Government to bring that war to an end and to hasten the day when the American men could be returned home.

Over the period of the last year, efforts to bring American men home have been fruitful—115,000 have been brought home.

A policy has been announced to the world and accepted by the interested nations to the effect that the United States will look to Asians to fight Asians' battles.

My question again is why the Senate should be engaged in an effort to hamper the efforts to turn the fighting over to the Vietnamese, to save the lives of Americans, and get our men back home.

Suppose someone in this body had superior military ability and intelligence and they were convinced those efforts are wrong. They do not know. We have but one President, we have but one Commander in Chief, we have but one negotiator, and we have but one person authorized to speak to foreign countries. How can we improve the position of the United States in the world by showing division and crippling the hand of the one person who, under our system, must bear those awesome responsibilities?

On March 4, 1968, according to Defense Department figures the total U.S. troop strength in South Vietnam as of February 24, 1968, was reported to be 495,000. U.S. combat deaths stood at 18,799—January 1, 1961, to February 24, 1968—and wounded totaled 115,114, and 983 U.S. servicemen were missing and 238 were listed as captured.

On March 10, the New York Times and the Washington Post reported that the Johnson administration was considering raising U.S. troop strength in Vietnam by as much as 206,000. White House Press Secretary Christian stated on March 9 that the President had received no specific requests from American commanders concerning the sending of additional U.S. forces.

On March 11 and 12, 1968, Secretary Rusk testified before the Committee on Foreign Relations. He admitted that the Communist Tet offensive had set back the allied effort.

On March 22, 1968, President Johnson announced that he would nominate Gen. William Westmoreland to replace retiring Army Chief of Staff, Gen. Harold K. Johnson, in July 1968.

On March 31, 1968, President Johnson announced that he had ordered U.S. aircraft and naval vessels "to make no attacks on North Vietnam except in the area north of the demilitarized zone where the continuing enemy buildup directly threatens allied forward positions and where the movements of their troops and supplies are clearly related to that threat." He stated that the area covered by the bombing pause included 90 percent of North Vietnam's population. He asserted that a complete bombing halt could come "if our restraint is matched by restraint in Hanoi." He called on North Vietnam to respond positively to the bombing halt by agreeing to peace talks and stated:

> We assume that during those talks Hanoi would not take advantage of our restraint.

On April 2, 1968, administration officials stated that under the terms of the President's partial bombing halt, air attacks were still authorized from the 17th to the 20th parallel.

On April 3, 1968, the U.S. Command in Saigon announced that 20,000 Allied troops were advancing on the U.S. Marine base at Khesanh to lift the 75-day siege of that fortress. The operation, which began in secret on April 1, reached Khesanh on April 6.

On April 3, 1968, North Vietnam offered to send representatives to meet with U.S. representatives "with a view to determining with the American side the unconditional cessation of the U.S. bombing raids and all other acts of war against the Democratic Republic of Vietnam so that talks may start."

On April 3, 1968, President Johnson sent a reply to Hanoi suggesting Geneva as a meeting site. He publicly announced that—

> The United States is ready to send its representatives to any forum, at any time, to discuss the means of bringing this war to an end. Accordingly we will establish contact with the representatives of North Vietnam.

On April 7, 1968, General Westmoreland stated in Washington that—

> The spirit of the offensive is now prevalent throughout Vietnam with advantage being taken of the enemy's weakened military position.

On April 8, 1968, President Johnson announced he had received an official reply from Hanoi to his proposal for direct diplomatic contact and that—

> We shall be trying to work out promptly the time and the place for the talks.

On April 9, 1968, President Johnson stated that the United States and North Vietnam were discussing "a number of alternative locations for a meeting site which could be convenient to both sides."

On April 11, 1968, Hanoi proposed Warsaw as the site for the initial United States-Democratic Republic of Vietnam contact. The White House indicated that the United States favored a neutral site with adequate communications facilities.

On April 29, 1968, Vice President Humphrey conceded that the administration "may have overspoken" when it said it would go "any place any time" to start peace talks with North Vietnam.

On May 3, 1968, President Johnson announced that the United States had accepted a North Vietnamese offer to meet in Paris for preliminary peace talks on May 10 or soon afterwards.

On May 6, 1968, U.S. officials in Saigon stated that North Vietnamese troops participated in fighting inside Saigon for the first time in the war.

On May 8, 1968, President Johnson stated in a speech that the United States still based its Vietnam policy on the offer made at Manila in 1966 to withdraw American troops "as the military and subversive forces of North Vietnam are withdrawn, infiltration ceases, and the level of violence subsides."

On May 9, 1968, President Thieu stated:

> We will never cede an inch of land to the northern Communists, we will never set up a coalition government with the NFLSV, and we will never recognize the NFLSV as a political entity equal to us, with which we must negotiate on an equal footing.

On May 10–11, 1968, United States and North Vietnamese delegates met in Paris for the first time.

On May 13, 1968, the first formal negotiating session met at Paris.

On May 15, 1968, Secretary Rusk denied that the United States "is prepared to impose a Communist rule upon the South Vietnamese Government."

On June 10, 1968, at a press conference on the eve of his departure from Vietnam, General Westmoreland asserted that a military victory "in a classical sense" is not possible.

On June 19, 1968, President Thieu signed South Vietnam's first general mobilization law.

On June 27, 1968, the U.S. command in Saigon announced that U.S. troops were withdrawing from the base at Kesanh, which had survived a 77-day siege beginning in January 1968.

On July 31, 1968, President Johnson told a news conference that 30,000 North Vietnamese infiltrated into South Vietnam in July, making the infiltration rate the highest at any time in the war.

On October 19, 1968, presidential candidate Richard Nixon proposed that the non-Communist nations of Asia be guided into a mutual security pact of their own to deal with future Communist threats.

On October 25, Secretary of Defense Clifford stated that President Johnson had ordered no slackening of the U.S. military effort in Vietnam. He asserted that North Vietnam had withdrawn 30,000 to 40,000 from South Vietnam, but that 80,000 still remained.

On October 31, 1968, President Johnson announced that the United States would cease all air, naval, and artillery bombardment of North Vietnam as of 8 a.m.—Washington time—November 1.

On October 31, President Thieu issued a statement which read:

> The American Government has unilaterally decided to stop the bombing on the whole territory of North Vietnam.

A "close associate" of Vice President Ky reportedly commented:

> We were informed last night, but we didn't go along with it. We are very unhappy.

Still on October 31, U.S. officials indicated that the United States would continue to bomb Communist supply lines in Laos and would continue to send reconnaissance planes over North Vietnam.

On November 2, 1968, President Thieu told the South Vietnam National Assembly that his government would not attend the Paris negotiating session scheduled for November 6, because its conditions were not fulfilled.

On November 11, President Johnson and President-Elect Nixon met at the White House. Nixon later told newsmen that during the remainder of Johnson's term of office, the President and Secretary of State "could speak" on Vietnam "not just for this administration but for the Nation, and that meant for the next administration as well."

On November 27, 1968, South Vietnam's Foreign Minister Tran Chanh Thanh announced that South Vietnam would take part in the Paris peace talks, since the United States, in the State Department statement of November 26, had satisfied "in their essential aspects" Saigon's earlier objections to participating.

On December 11 the U.S. mission in Saigon reported the most optimistic statistics on pacification yet, claiming that 73.3 percent of the South Vietnamese population were living in relatively secure areas. This represented a 3.5-percent increase during November. The mission stated that 13.3 percent were living on contested areas while the remaining 13.4 percent were under Vietcong control.

On December 18, South Vietnam's Premier Tran Van Huong said in an interview that "I am not certain that if the North Vietnamese withdrew and the Americans pulled back to their bases, our forces could defeat the Vietcong without help" from U.S. forces.

Mr. President, in bringing the attention of the Senate and the country to some of the events that occurred from 1961 through 1968 I am moved by only one purpose. That purpose is to give the background of our involvement in the war in Vietnam. I do not suggest or imply that any official of our Government acted without the greatest degree of intellectual honesty, patriotism, and best intentions. That was not the purpose of my remarks. The purpose of my remarks was to show our total involvement in Vietnam and the long period over which it has been building up from the time we were committed to the use of ground combat forces there.

My purpose was to show the many determined attempts to bring about peace. I do not say they were wrong. The fact is that they did not work.

We should view these facts in light of the leadership which President Nixon has given. We should also recall that a few months after he took office he made a trip around the world and informed the world of our new foreign policy. He informed the world that from now on, with the exception of an all-out nuclear war, we were going to move toward a position that Asians carry on the major portion of their own defense in the carrying on of combat activities.

That program has been carried out. The best evidence is that 115,000 combat troops have been brought back; that the time of our continued further and further involvement has come to an end, and that we are going in the other direction.

That program would not be a success if we drew a line on one side of which would be Cambodia and on the other side of which would be South Vietnam, and the Communists were permitted to invade Cambodia and use it as a sanctuary to kill Americans on the Vietnamese side and delay the program of bringing back our combat troops.

It was not an extension of the war when Mr. Nixon made his decision to have our troops cross the Cambodian border. It was a military decision. It was a battlefield decision. It was made to protect American lives and hasten the withdrawal of our combat troops.

Up to this hour in the debate, no one has offered any acceptable evidence that that was not the case. No one has been able to cite a statement of President Nixon in which he has made any commitment to Cambodia. He has not promised to free Cambodia of all Communist personnel. He has not promised to fight until liberty is restored in Cambodia. He has not promised to stay in Cambodia until all Communists leave.

President Nixon has not extended our commitments in Cambodia or elsewhere. He initiated and has followed a policy of lessening our commitments and shifting the burden to those people who have the greatest amount at stake.

Mr. President, I am about to yield the floor, but again I make the same appeal as I made when I rose: I hope that the leadership of the Senate and the proponents of the amendment which is the pending business will reconsider, and will withdraw those proposals. Let us unite in supporting the President. Let us unite in supporting the one program that has reversed the trend of long years, dragging us farther and farther into involvement in Southeast Asia. Let us support the program that was designed and carried out to save lives of Americans in Vietnam and hasten the return home of our combat troops.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills of the Senate, severally with an amendment, in which it requested the concurrence of the Senate:

S. 759. An act to declare that the United States holds in trust for the Washoe Tribe of Indians certain lands in Alpine County, Calif.;

S. 1076. An act to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes; and

S. 3348. An act to amend title 38, United States Code, to increase the rates of compensation for disabled veterans, and for other purposes.

The message also announced that the House had passed the bill (S. 885) to authorize the preparation of a roll of persons whose lineal ancestors were members of the Confederated Tribes of Weas, Piankashaws, Peorias, and Kashashkias, merged under the treaty of May 30, 1854 (10 Stat. 1082), and to provide for the disposition of funds appropriated to pay a judgement in Indian Claims Commission Dockets Nos. 314, amended, 314–E, and 65, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H.R. 5554) to provide a special milk program for children.

The message further announced that House had agreed to the amendments of the Senate to the bill (H.R. 14810) to amend section 602(3) and section 608c (6)(I) of the Agricultural Marketing Agreement Act of 1937, as amended, so as to authorize production research under marketing agreement and order programs.

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

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the

amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty;

H.R. 2499. An act to amend title 10, United States Code, with respect to the Academies of the military departments;

H.R. 8663. An act to amend the act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corp and Civil Engineer Corp of the Navy;

H.R. 10772. An act to amend title 10 of the United States Code to provide more equitable standard for awarding the gold star lapel button.

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the armed forces in which no remains are recovered;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen;

H.R. 13971. An act granting the consent of Congress to the Falls of the Ohio Interstate Park Compact;

H.R. 14452. An act to provide for the designation of special policemen at the Government Printing Office, and for other purposes;

H.R. 14984. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes;

H.R. 15012. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code;

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe;

H.R. 16298. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas;

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian Irrigation project, Utah, and for other purposes;

H.R. 16496. An act to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs;

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended;

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status;

H.R. 17352. An act to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital; and

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.

HOUSE BILLS REFERRED OR PLACED ON CALENDAR

The following bills were severally read twice by their titles and referred, or placed on the calendar, as indicated:

H.R. 370. An act to amend chapter 39 of title 38, United States Code, to increase the amount allowed for the purchase of specially equipped automobiles for disabled veterans, and to extend benefits under such chapter to certain persons on active duty; to the Committee on Labor and Public Welfare.

H.R. 2499. An act to amend title 10, United States Code, with respect to the Academies of the military departments;

H.R. 8663. An act to amend the act of September 20, 1968 (Public Law 90–502), to provide relief to certain former officers of the Supply Corps and Civil Engineers Corps of the Navy;

H.R. 10772. An act to amend title 10 of the United States Code to provide a more equitable standard for awarding the gold star lapel button;

H.R. 11876. An act to amend section 1482 of title 10, United States Code, to authorize the payment of certain expenses incident to the death of members of the Armed Forces in which no remains are recovered;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen;

H.R. 15112. An act to repeal several obsolete sections of title 10, United States Code, and section 208 of title 37, United States Code; and

H.R. 16732. An act to amend title 37, United States Code, to provide that enlisted members of a uniformed service who accept appointments as officers shall not receive less than the pay and allowances to which they were previously entitled by virtue of their enlisted status; to the Committee on Armed Services.

H.R. 13971. An act granting the consent of Congress to the falls of the Ohio Interstate Park Compact; to the Committee on the Judiciary.

H.R. 14452. An act to provide for the designation of special policemen at the Government Printing Office, and for other purposes; to the Committee on Rules and Administration.

H.R. 14984. An act to provide for the disposition of funds appropriated to pay judgments in favor of the Mississippi Sioux Indians in Indian Claims Commission dockets numbered 142, 359–363, and for other purposes;

H.R. 15012. An act to authorize a study of the feasibility and desirability of establishing a unit of the national park system to commemorate the opening of the Cherokee Strip to homesteading, and for other purposes;

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; and

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 16298. An act to amend section 703(b) of title 10, United States Code, to extend the authority to grant a special 30-day leave for members of the uniformed services who voluntarily extend their tours of duty in hostile fire areas; and

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended; placed on the calendar.

H.R. 16496. An act to authorize certain uses to be made with respect to lands previously conveyed to Milwaukee County, Wis., by the Administrator of Veterans' Affairs;

H.R. 17352. An act to designate a Veterans' Administration hospital in Bedford, Mass., as the Edith Nourse Rogers Memorial Veterans' Hospital; and

H.R. 17613. An act to provide for the designation of the Veterans' Administration facility at Bonham, Tex.; to the Committee on Labor and Public Welfare.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

Mr. CHURCH. Mr. President, what is the pending question?

The PRESIDING OFFICER. The question is on agreeing to the pending amendment.

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

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

AMENDMENT NO. 701

Mr. THURMOND. Mr. President, I send to the desk an amendment to H.R. 15628, the Military Sales Act, providing that on page 6, line 3, before the period the words "or Thailand" be inserted.

The PRESIDING OFFICER. Does the Senator wish to call up his amendment at this time?

Mr. THURMOND. Yes.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 6, line 3, before the period, insert "or Thailand".

Mr. THURMOND. This change would enable the United States to provide the proposed International Fighter aircraft to Thailand as well as South Vietnam. These are the only two nations involved in he Indochina area which have the capacity to employ an air superiority aircraft such as the proposed International Fighter.

Thus, section 8 of the Military Sales Act, with the inclusion of this amendment, would read as follows:

Unless the sale, grant, loan or transfer of any International Fighter aircraft (1) has been authorized by and made in accordance with the Foreign Military Sales Act or the Foreign Assistance Act of 1961, or (2) is a regular commercial transaction (not financed by the United States) between a party other than the United States and a foreign country, no such aircraft may be sold, granted, loaned, or otherwise transferred to any foreign country (or agency thereof) other than South Vietnam or Thailand. For purposes of this section, "International Fighter aircraft" means the fighter aircraft developed pursuant to the authority contained in the proviso of the second paragraph of section 101 of Public Law 91–121 (relating to military procurement for fiscal year 1970 and other matters).

Mr. President, last year the Air Force was given approval to develop the International Fighter aircraft and announcement of a contract award is expected later this month.

The International Fighter aircraft is to be an advanced performance aircraft which can provide the air defense capa-

bility needed by South Vietnam and Thailand. It could be made available to our other allies in Southeast Asia through the Foreign Assistance Act. Our allies have been under attack or are threatened by Communist countries which have long ago been supplied with the Russian made Mig–21's. When we withdraw they will not have the advantage of air superiority unless they have the International Fighter. At present, they have no aircraft in their inventories which could defend their territories against attack by the Mig–21's.

If our allies in Southeast Asia are to attain a meaningful capacity to provide for their own defense, it is necessary they be equipped with an aircraft suited to their skill levels and their resources.

At present the F–4 air superiority plane is the chief aircraft being used by U.S. forces in the war zone. As Vietnamization continues and we gradually draw down our forces, the military is faced with leaving on hand some type of fighter aircraft. The F–4 plane would be the logical candidate, but it is too complex for our allies to handle well from the standpoint of maintenance and operation. Furthermore, it is expensive.

The International Fighter cost range is placed somewhere between $1.5 million and $2.2 million. This compares with the F–4 at a cost of $3.4 million and the F–15 at $6.5 million.

Thus, the need for the International Fighter is clear in that its development will save us considerable money and, at the same time, provide our allies with a plane they can operate and maintain. It will enable them to defend themselves in the event of an air attack by North Vietnam which has hundreds of Mig–21's supplied by the Soviet Union.

Another important point regarding the supply of this proposed fighter to our allies is that the International Fighter will in no way be provocative. It will be a defensive plane designed to provide air superiority over the airspace of our allies. It will not have the range to go to Hanoi, for example, as such use would require inflight fueling and our allies in Southeast Asia do not have air tankers to provide this capability.

Mr. President, section 8 of the Military Sales Act would have the effect of amending the Department of Defense Appropriations Act of 1970, as it applies to the International Fighter.

In 1966, the Committee on Foreign Relations recognized the need for the military to provide arms and equipment to our allies in South Vietnam. As a result, this aid was handled through the Armed Services Committees. This enabled the military to provide direct aid to our allies in this war. Thus, from 1966, authority for such aid was provided for in the annual military procurement authorization and subsequently in the Defense Appropriations Act.

This arms support included Vietnam and other free world forces in Vietnam and local forces in Laos and Thailand. The partial text of the public law which has been continued each year is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending June 30, 1970, for military functions administered by the Department of Defense, and for other purposes, namely:

TITLE VI—GENERAL PROVISIONS

Sec. 638. (a) Appropriations available to the Department of Defense during the current fiscal year shall be available for their stated purposes to support: (1) Vietnamese and other free world forces in Vietnam, (2) local forces in Laos and Thailand; and for related costs, on such terms and conditions as the Secretary of Defense may determine.

(b) Within thirty days after the end of each quarter, the Secretary of Defense shall render to the Congress a report with respect to the estimated value by purpose, by country, of support furnished from such appropriations.

The effect of section 8 in the Military Sales Act will be to exclude from these provisions of International Fighter.

Mr. President, how can the freedom-loving nations of Southeast Asia survive if we fail to provide them with the means of self defense? Today we are talking about an international fighter aircraft which can provide air superiority for these small Asian nations which are being besieged by the forces of Communist controlled governments.

These small nations like South Vietnam, South Korea, Taiwan, and Thailand cannot survive without such a tactical aircraft. We can quickly provide the International Fighter to South Vietnam and Thailand if this amendment is adopted. These two countries are directly involved in the Indochina conflict. South Korea and Taiwan, which are removed from the present battle zone, could receive them through the military assistance program—MAP—since their territory is not presently in the battle zone.

The countries opposing these four countries have long ago been supplied with the Russian made Mig–21's. Communist China has the Mig–21. North Vietnam has the Mig–21. North Korea has the Mig–21.

It is strange to me how some make light of the threat posed by the forces of world communism. In Asia we have seen the Soviet-supported North Koreans attack South Korea, the Soviet-supported North Vietnamese attack South Vietnam, Thailand, Cambodia, and Laos, and the Soviet-supported Red Chinese take Tibet, steal land from India, support North Vietnam and North Korea, and, in general, throw their military weight around.

More than one Member of this body feels the Communist threat in Asia and worldwide is a "myth," fed by the warnings of past Presidents Truman, Eisenhower, and Nixon. They make light of President Nixon's recent reference to "those great powers who have not yet abandoned their goals of world conquest" in his speech to the Nation on November 3, 1969.

Some critics of the President say it does not matter who rules South Vietnam or Indochina. It should matter to any individual who wishes for his fellow man a free society. There has never been one shred of evidence that a Communist government is a free society that provides and insures basic human rights for its people.

Mr. President, I agree that it is not desirable that the United States be faced with committing our young men to battle every time a Communist nation invades its neighbor. This country has helped defeat the forces of communism in South Korea and South Vietnam, and these efforts were necessary. But why were they necessary? The reason, simply stated, is that these nations were unprepared to defend themselves in the face of an onslaught by Communist nations supported from Moscow and Peking. The amendment I am proposing today would be an important step in seeing that certain nations in Southeast Asia are prepared to hold back the attacks of their Communist neighbors in the future. Surely, everyone in this body, in the House of Representatives, and in the country would like to see our friends so equipped in order that American men would not be required to aid in these battles.

The ill-managed war in South Vietnam has embittered some beyond reason. Get out, now, is the demand of the protestors. It would be nice if it were that simple. But we cannot reverse American policy for the past 10 years overnight. However, President Nixon has set our foreign policy in Southeast Asia on a different course, as enunciated in what is now known as the Guam doctrine or the Nixon doctrine. In his report to the Congress, February 18, 1970, on "U.S. Foreign Policy for the 1970's," President Nixon declared "we are a Pacific power" and "we have learned that peace for us is much less likely if there is no peace in Asia." In defining his Guam doctrine, the President stated:

> At the beginning of my trip last summer through Asia, I described at Guam the principles that underlie our cooperative approach to the defense of our common interests. In my speech on November 3, 1969, I summarized key elements of this approach.
>
> The U.S. will keep all its Treaty commitments.
>
> We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.
>
> In cases involving other types of aggression we shall furnish military assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Mr. President, this policy, as laid out by the President, is one that all of us should heartily support. The purpose of my amendment is to insure the International Fighter is provided to our ally Thailand. Outside of South Vietnam, they have the heaviest commitment in the Indochina conflict. Just recently they have taken the courageous step of providing weapons and manpower support to their besieged neighbor Cambodia. Next July when American combat forces are no longer engaged in this war, South Vietnam and Thailand will be the chief bulwarks of anticommunism in Indochina.

President Nixon has only been in office for 1½ years but he has already created

a climate in which Asian nations are banding together. Some call it Asianization, but whatever we may choose to call it, the trend is most encouraging. Thailand's recent decision to help Cambodia is a development of great significance.

South Vietnam, Thailand, Cambodia are all fighting the same enemy—North Vietnam. The critics of our involvement in Vietnam say, why should we fight the battles of these Asian nations? Now that these countries are rapidly moving toward assumption of their own defense—how can we fail to support them?

In summary, we see that financing for military assistance for the Vietnam war was transferred from the jurisdiction of the Foreign Relations Committees to the Armed Services Committees in April of 1966. This was extended for local forces in Laos and Thailand in 1967 because of their direct relationship with the hostilities in Southeast Asia. This funding is being channeled through what is called the military assistance service funded program.

Section 8 of the Military Sales Act would prohibit our Government from purchasing the International Fighter aircraft with military assistance service funds except for South Vietnam. My amendment would include Thailand in this exception.

At present, it is technically impossible to finance the International Fighter for Thailand under MAP funds because they can only receive assistance through the military assistance service fund channels until jurisdiction for Thailand is returned to the Foreign Relations Committees. Thus, if section 8 stands as presently written, a valuable ally in making Vietnamization work, and in assuring that Asianization in Indochina continues, will not receive a critically needed weapons system.

The Members of this body know the close cooperation between the United States and Thailand. We cannot permit this country to be invaded and fall to Communist forces in Asia. The best way to assure that this does not happen is to equip them to meet the threat. We have been doing that—why stop now when we get to the point of a badly needed fighter aircraft? Thailand is contiguous to Cambodia as is South Vietnam. The three are now standing together. We should help them in every way possible.

Mr. President, an article by Columnist Stewart Alsop on Vietnam and the chances for a negotiated settlement appeared in the June 22, 1970, issue of Newsweek magazine now on the newsstands. This article is titled "What Chance of Peace?" and I should like to read it into the RECORD, as follows:

What are the post-Cambodia chances of a negotiated settlement of the war in Vietnam? Here is one expert's answer to that question:

"Hanoi is under fierce pressure both ways. The Chinese are saying, 'Don't give an inch, the Americans are paper tigers.' The Russians are saying, 'Cut your losses—later may be too late. The Americans are eager for a negotiated exit, so you won't have to pay too high a price, and you can take care of Saigon when they're gone.' I don't know which way Hanoi will go, and I don't think Hanoi knows."

Victor Zorza, Britain's leading expert on world Communism, thinks he knows which way Hanoi will go. In an article in The Guardian, reprinted in Atlas magazine, Zorza flatly predicts that Hanoi's Communist Party boss, Le Duan, now firmly in the driver's seat, will soon initiate serious negotiations to end the war. Zorza's views must be taken seriously—he predicted the Sino-Soviet split, the fall of Khrushchev, and the invasion of Czechoslovakia.

The American experts are not so sanguine. But they do unanimously believe that Moscow is urging Hanoi to try for a negotiated end of the war, and that there is something like a 40 per cent chance that Hanoi will take Moscow's advice. The evidence supporting this assessment is interesting.

MISSION TO MOSCOW

After the death of Ho Chi Minh, Le Duan spent almost two months in Moscow. In February, after returning to Hanoi, he made an 80-page speech. Plowing through this morass of Communist verbiage, the experts came on a significant passage, in which Le Duan extolled the "genius" of Ho's policy in 1946, when Indochina was still occupied in part by the Chinese Nationalists. Ho's genius lay in not attacking the French until he had gotten rid of the Chinese. Meaning: get rid of the Americans first, then take on Saigon.

This undoubtedly reflected the advice Le Duan had received from his Russian big brother in his two months in Moscow. Then came the fall of Sihanouk, on March 18. On April 16, Soviet U.N. Ambassador Yakov Malik expressed interest in convening a conference to end the war in Indochina. This trial balloon was unquestionably floated with the prior approval of Hanoi.

But Le Duan, who arrived in Moscow on April 19, had stopped off in Peking on the way. After his arrival in Moscow the Russians shot down their own trial balloon. Returning to Peking on his way back to Hanoi, Le Duan was uniquely honored—he was received by the great god Mao himself. Meaning: under intense Chinese pressure, Le Duan had agreed to play the Cambodian game the Chinese way, rather than the Russian way.

Thereafter, the North Vietnamese moved out of their sanctuaries on an operation whose initial objective was to secure a corridor to the ports of Kep and Kampot in southern Cambodia, in order to reopen the maritime supply lines to China. The operation was financed by the Chinese—trucks were supplied by a known Chinese front, the Hak Lee Trucking Co.

NIXON'S ANGER

The operation was undertaken on the assumption that there was no danger of an American move against the sanctuaries. Documentary proof of this assumption, procured by U.S. intelligence, is said to have angered President Nixon, and he made up his mind to prove to the other side that the United States is not a "pitiful, helpless giant."

When the United States moved against the sanctuaries, the Russians said. "We told you so." That was the burden of an article in the Soviet weekly New Times, written under a pseudonym by a high Soviet official, Mikhail Kapitsa. The article held the Chinese responsible for the fall of Sihanouk and the American move on the sanctuaries, and warned Hanoi it was courting "defeat and destruction" if it continued to follow the Chinese line.

Hanoi is now faced with a hideously hard choice. It can take Moscow's advice, and seek to end the war by negotiation. Or it can follow the Chinese line and make the huge effort necessary to re-establish secure bases on the South Vietnamese border. Without such bases, the Communist forces in the South Vietnamese heartland—the delta and the Saigon area—may disintegrate, and that is a risk Hanoi cannot take.

Before Cambodia, the Communist situation in the heartland was precarious. Since Cambodia, the ground rules have changed. The U.S. Navy's unacknowledged blockade, Operation Market Time, seals off the southern ports, so the supply problem is immensely complicated. To re-establish the bases, North Vietnamese troops, after the long march south, would have to contend with fresh South Vietnamese troops with American air support.

One unwelcome result of this great and risky effort might be to make Cambodia a Chinese puppet state—the Russians are so convinced that Sihanouk is now a tightly held Chinese puppet that when he recently asked to visit Moscow, he was insultingly informed there was no room for him. American officials with access to secret intelligence are convinced that the Russians have told the North Vietnamese that, if they do Peking's bidding, they should not count on Russian help.

Yet there are good reasons why the American experts, unlike Zorza, believe there is only a 40 per cent chance of serious negotiations. The North Vietnamese will certainly not negotiate from weakness, and to prove they are not weak, they are expected to strike hard in the northern part of South Vietnam, where they can still make trouble—maybe very bad trouble. Even thereafter, they will be under fierce pressure from China not to negotiate—and China is a lot closer to Hanoi than Russia.

PRESSURES

Finally, of course, there is the equally fierce pressure in this country for peace at any price—for a preannounced, unilateral and unconditional withdrawal. There is a rational argument for a peace at any price policy—the argument that this fat and flabby country is psychologically and politically incapable of carrying on even the very limited war contemplated in the Vietnamization policy. But it is laughable—though not very laughable—to argue, as some of the advocates of peace at any price do argue, that such a policy actually increases the chances of a negotiated settlement.

In fact, the growing pressure for peace at any price, symbolized by the Cooper-Church amendment, reduces the bargaining power of the American Government to near zero. Even so, the choice which now confronts Hanoi is not at all a happy one, which is why there is still a fair chance that Hanoi may take the Russians' advice, and try seriously to negotiate an end to the war. If that happens, it does not mean that the war will end. But President Nixon, as he has promised, will certainly be "flexible"—very flexible indeed. It is odd that his critics should be unwilling to credit him even with an instinct for political self-preservation.

Mr. President, an article appeared in the Armed Forces Journal of June 13, 1970, written by Robert B. Rigg, entitled, "Cambodia Operations Shortening Indochina War."

I will read that article into the RECORD at this point. It reads as follows:

There have been charges in authoritative circles that President Nixon's decision to operate in Cambodia has now bound us to a "perpetual war" in Indochina.

In an exclusive interview on 25 May, General Maxwell D. Taylor, now retired, did not agree with this premise. In his words, the present Cambodian operations represent "a very timely raid into logistic bases of the opposition and not an expansion of the war as some people believe."

Then he added, "This war can be measured in three dimensions: One is time. Second is location. The third, intensity."

"What we see here," General Taylor emphasized, "is a temporary expansion of the

geographical dimensions of the war in order to reduce its duration and intensity. The loss of enemy supplies should reduce the duration of the war and give time for the working out of the President's Vietnamization process."

After a pause General Taylor added: "There is no need to allow this to be an open-ended involvement or a permanent expansion of the war when measured in the above three dimensions of time, location, and intensity."

General Taylor has served the past five Presidents, first as Army Chief of Staff, then as Chairman of the Joint Chiefs of Staff, and subsequently as Ambassador to South Vietnam and as a senior White House military/political strategist and advisor.

Certain war critics and would-be strategists call for a *now* decision to get out of South Vietnam on an orderly basis by the end of 1971. When asked if we can hope to get out of Vietnam by this date, General Taylor remarked, "I see a good chance for the South Vietnamese to reach this level of military effectiveness by the end of 1971, provided that we do not try to withdraw too fast—and provided we do not set a precise time schedule." He emphasized here that "We should bear in mind that an announced [withdrawal] time schedule aids the enemy."

One prime question ranging from Capitol Hill to the State Department is this: Are we shortening the war by our current Cambodian operations?

"Yes, we are shortening the war," General Taylor answered. "Any action destroying the enemy's military potential tends to shorten the conflict. The evidence is that we are destroying large quantities of enemy munitions which are essential to him for prolonged operations."

Focusing on U.S. and South Vietnamese operations in Cambodia, The Journal asked General Taylor if these campaigns are bringing us any closer to a peace settlement. He responded, "These are bringing us closer to the cessation of hostilities and demonstrating to the enemy the hopelessness of his achieving military victory."

Timetables of troops withdrawals from Cambodia are being discussed and argued in Washington and elsewhere. Saigon wants its troops to remain in Cambodia, while President Nixon has a 30 June deadline for U.S. troop withdrawal from that country. The Cambodian Foreign Minister, Yem Sambaur, has just announced he will ask President Nixon to keep American troops in his country until "the end of the war."

Amid these circumstances, General Taylor says, "I would have opposed setting a time limit on the withdrawal of *any* troops. Once embarked on this important operation [in Cambodia], we should do a complete job in destroying enemy supply facilities before getting out."

There is evidence that once American and/or South Vietnamese troops withdraw from Cambodia, the North Vietnamese and Viet Cong can rebuild their logistical installations in this sanctuary. This is a problem the Pentagon is examining, but General Taylor is emphatic here: "We should have no reluctance to bomb these Communist bases, if indications are that they are being restocked. It is important and clearly in our interest to keep these sanctuary bases out of operation."

Another question under discussion on Capitol Hill is whether the U.S. Government is properly organized for pursuit of the war in Indochina.

In this connection General Taylor ranks as an authority, since he has operated in Washington's "cockpits of crisis," from the Pentagon to the White House, for over a decade. His observation is that "It has always been a problem to integrate the resources of several Executive departments in support of a foreign policy such as we have in South Vietnam. The National Security Council, with the augmentation which President Nixon has given it, performs this integration function. I am not aware of the need for any further organizational changes."

One immediate question in Washington and Saigon is whether the North Vietnamese will retaliate against our current military operations. Here, General Taylor expressed the general view that we should not be overly concerned about enemy reaction unless Congress ties the President's hands and removes Hanoi's fear of our retaliation.

Summing up current military operations in Cambodia, General Taylor concedes that "There have been political costs here at home." However, he feels that "We should stay on our present course, support the President, and declare a voluntary moratorium on public statements and demonstrations which encourage the enemy to continue the war."

General Taylor is now writing his memoirs, concentrating on events since the Korean War.

Mr. President, I now wish to read an editorial entitled "South Vietnam May Soon Walk Without Crutches," published in the State, of Columbia, S.C., on June 15, 1970:

SOUTH VIETNAM MAY SOON WALK WITHOUT CRUTCHES

One can doubt the ability of the team of domestic politicians that President Nixon sent to Southeast Asia to professionally assess the military situation there. But when it comes to judging political, economic and social conditions, they are experts in their own right.

And it is the portions of their majority report to the President that deal with these factors which are most encouraging for those taking the longer view.

For years, many Americans and others have doubted seriously the ability of Saigon politicians to make a democratic from of government work in their potentially rich but divided nation. There was also doubt that the oft-maligned Army of the Republic of Vietnam (ARVN) could ever develop the leadership, the skill and the willingness to defend its own land in such a way as to create the internal stability necessary for political, economic and social progress.

But hope for South Vietnam has been growing since the Communists' painful but abortive Tet offensive of 1968. The President's fact-finding team, which included S.C. Gov. Robert E. McNair, brought evidence which supports its cautiously optimistic feeling about the long-term viability of South Vietnam.

The political fact that most impressed McNair and the others was picked up on their tours of the villages and hamlets of the Mekong Delta. There from eight to twelve village chiefs are assassinated by the Viet Cong every month—a continuation of the terror tactics that backfired on the Communists during the Tet offensive.

Despite this, 82 per cent of the elective officials out there in the boondocks chose to run for re-election—a rare display of personal bravery and commitment to democratic ideals. And the fact that only 50 per cent won re-election indicates the people are becoming more politically aware and selective.

On the economic side is the land reform program, signed into law last March, which will distribute 2.5 million acres, mostly rich riceland, to 800,000 rural families. This effort which has important social implications is a step toward helping the country realize its vast agricultural potential.

These and other non-military advances cannot be achieved, of course, without security. But the Nixon fact-finders were also encouraged by what they learned in this area. South Vietnam's paramilitary forces, which protect the countryside, are better trained and armed. At the same time the indigenous Viet Cong are dwindling and three-fourths of the Reds in the country are now North Vietnamese invaders. The civil war side of the overall struggle, therefore, looks much better.

At the same time, the Cambodian offensive has increased the pride, confidence and eagerness of the ARVN. McNair found them even a bit cocky, a turnabout that reflects their improved training and leadership.

South Vietnam and Cambodia, long natural enemies, now have a common cause and a common foe. Thailand is also moving to help the Cambodians, setting up the possibility of an alliance of the southern tier of states on the Indochinese peninsula dedicated to containing the persistent Red thrusts.

The American politicians, realists if nothing else, recognize that heartbreak and disappointment are ever around the corner in Southeast Asia. But they added: "We deduce that the South Vietnamese have the tenacity and courage, and now hopefully have the time to win their long struggle for survival."

All of this augers well for the early disengagement and withdrawal of American combat forces. The report of this team is one more reason why the Senate doves should end their constant effort to throw roadblocks onto the path along which America is seeking a peace that won't haunt the future.

Mr. President, this country must take every means possible to aid our allies in Southeast Asia in their efforts to deal with the forces of communism there.

Providing the International Fighter is just one of the programs we should pursue. The Nixon doctrine can never come into play if the Congress refuses to arm our allies and thereby enable the United States to reduce our forces in Southeast Asia.

There are many reasons for such a position by the United States but a key one is the inhumanity of the enemy there and our obligation as a world power to preserve human life.

A recent article touched on this subject. Titled "The Kind of War That is Vietnam: 'People's War' With Terror as the Tool," this story appeared in the June 1970 issue of the Air Force magazine and was written by Douglas Pike. I read this article into the RECORD:

THE KIND OF WAR THAT IS VIETNAM: "PEOPLE'S WAR" WITH TERROR AS THE TOOL

(By Douglas Pike)

Dak Son is a name probably destined to be lost in the mists of time and history. But Dak Son, a place in South Vietnam, should be remembered. It should be remembered along with the better-known examples of man's inhumanity which stud the record of the human race.

It was shortly before Christmas, 1967, that this tribal highland village of some 2,000 inhabitants was the scene of what to me remains the worst atrocity in the entire atrocity-ridden Vietnam War. Dak Son had none of the awesome magnitude of the Hué massacre, that vast enterprise of death that would occur a year later. The dead at Dak Son numbered only 252 (plus 200 abducted never to return), less than one-tenth the toll at Hué. But Dak Son had about it a kind of insane cruelty more nightmarish than Hué's scene of execution squads, with death lists attached to their clipboards, moving from house to house calling out the unfortunates. Dak Son was unrelieved savagery, emphasized by the innocence of its victims.

After breaking through the flimsy hamlet militia's defenses, 300 Communists systematically set about to destroy Dak Son. Their chief weapons were flame throwers—sixty of

them. Families were incinerated alive in their grass-roofed huts or in the trenches dug beneath their beds—where they had taken shelter. Everything combustible was put to the torch: houses, newly harvested grain, fences, trees, people. It was a "Carthaginian solution," all but the sowing of the salt.

One of the first Americans to arrive on the scene the following morning later wrote:

"As we moved toward the village I thought I saw black cordwood beside the road, neatly piled up the way you pile up logs for use in a fireplace. When we got closer I could see it actually was stacked, burned bodies of several dozen babies. . . . The odor of burned flesh, which is like no other smell on earth, reached us outside the village and of course got stronger at the center. People were trying to breathe through cabbage leaves. . . . I saw a small boy and a smaller girl, probably his sister, sort of melted together in charred embrace. I saw a mother burned black, still trying to shield her children, who were also burned black. Everything was burned and black. . . . Most nerve-racking was the wail of the survivors who were picking through the smoldering ruins. One man kept screaming and screaming at the top of his lungs. For an hour he kept it up. He wasn't hurt as far as I could tell. He just kept screaming, until a doctor gave him a shot of morphine or something. . . . Fire bloats bodies, and after a few hours the skin splits and peels and curls. Only a third of the dead were men, the rest women and children. . . . The far end of the village wasn't burned. The Communists ran out of flamethrower fuel before they got to it. . . ."

Dak Son was quintessential, symbolizing to me more than any other event during my eight years in that country the kind of a war that is Vietnam.

PEOPLE'S WAR

The kind of a war that is Vietnam is the culmination of a 300-year process, one would hesitate to say development, of refining military doctrine. The objectives of both sides in Vietnam are what might be called historically commonplace: The Communists seek control, either in terms of unification by northern Communists or through a monopoly of political power by southern Communists; the other side is determined to prevent this. For two millennia men have locked themselves in similar struggles with similar goals. What makes Vietnam new and different is doctrine.

Anyone who reads history even casually should have seen this kind of a war coming. From the time of Napoleon, who generally is credited or blamed as the inventor of the idea of nationalism (that is, the nation-state fielding a conscript army motivated by ideology, rather than the political, social, or religious fiefdom fielding a professional force which fought because its services had been engaged), warfare has moved steadily toward an illogical conclusion with the thinking of China's Mao Tse-tung and North Vietnam's Vo Nguyen Giap.

The single most significant aspect of this changed doctrine of war has been the ever-deepening involvement of noncombatants. We have moved in stages. When King Arthur warred, "civilians" did not take part. The Napoleonic campaigns mixed mercenary and conscript. In World War II, civilians became a major legitimate target. In Vietnam, the Communists erased entirely the line between military and nonmilitary, and as a matter of policy made no distinction between enemy soldier and enemy civilian. In several hundred years, noncombatants have been dragged from roles of disinterested bystanders to those of key participants.

This new doctrine is admirably described by the Communist term, *people's war*. This is, in its proper use, a *technical*, not a propaganda term. It does not mean all-us-good-guys-against-the-landlords-and-other-exploiters. It means the-people-as-an-instrument-of-war. The mystique is a trinity: organization, mobilization, motivation. First control the people. Then forge them into a weapon. Then hurl it into battle. Those involved directly in this war, on both sides, understand this proxy approach, the people as a servomechanism. It is only the outsider who is confused as to who is fighting whom or what the fighting is all about.

In people's wars, all people are expendable, as any weapon is expendable—there to be used up. It is quite acceptable to trick a twelve-year-old boy into self-destruction in a satchel-charge attack on a government building. Acts against people, such as Dak Son, are fully justified, for the people are a weapon and, if they are faulty, they may be scrapped as an imperfect howitzer barrel would be scrapped.

Their enemies, who probably would prefer to fight a war of professional technology out and away from population centers, even in outer space, are obliged to close with the Communists on their own terms, of and across people. The Communists have maximized their advantage by transferring war's venue. People's war means that the devastation previously visited on the land over which a battle was fought now is visited on the people themselves. It means Dak Son or Hué as *deliberate* acts and My Lai as historical conjuncture—a confluence of attitudes and events.

TERROR DEFINED

What concerns us here, in considering this doctrine of war, is its essence—what, pejoratively, is called terror.

It is more difficult than might first appear to distinguish among *terror, violence,* and *war*. Without being drawn too far afield it would seem adequate for this article to use the definition: *Terror is illegal violence*. We have assumed that warfare, although immoral in ethical terms, is legal. But we have also assumed that even in warfare certain acts are illegal and may objectively be called terror. The limit of warfare, we have thought, is the point where death, pain, fear, and anxiety among all elements of the population are used for the deliberate purpose of coercing, manipulating, intimidating, punishing, or paralyzing people into helpless submission.

All the evidence the past year indicates a change of Communist grand strategy in Southeast Asia from big-unit war to protracted conflict. It will still be a people's war but with a more even mix of *armed struggle* and *political struggle,* to use Communist parlance—rather than a predominance of the armed struggle. Intelligence indicators also suggest this, in terms of retraining course work, weaponry movements, and public and classified statements on strategy and tactics. Communist paramilitary elements as well as North Vietnamese units in the South are being converted into wide-ranging, well-trained "sappers" or city commandos.

We have seen an increase in large-scale terror attacks, military in appearance, but designed to terrorize rather than accomplish some military objective. The raid on the US Sixth Convalescent Hospital at Cam Ranh Bay, August 7, 1969, portended this new face of Communist terror: A 100-man sapper force infiltrated the hospital compound, detonated several dozen charges, shot some American patients, and then vanished without a casualty to themselves.

The capability, scope, and importance of this sort of operation has broadened steadily in the past eighteen months. It will probably continue to increase, with more Communist resources allocated to such activity and more doctrinal emphasis placed on it—amounting to a trend toward less costly warfare and, especially, less lavish expenditure of men and materials. Terror is more economical, provides greater precision in strikes, and is far more flexible than big-unit war.

Three programs, or areas of activity, called the *van* or *action* programs make up the sum of a people's war. The details need not concern us here. Essentially the *van* programs consist of blending a tight organizational structure, intensive communication efforts in terms of propaganda, agitation, and "thought reform," and widespread proselytizing efforts, using coercion, force, and violence. All such programs rest on a bedrock of terror, not as a capricious addition but as an integral part of the policy. It is important not to treat this terror in simplistic terms, as terror for its own sake by sadistic beasts indifferent to the blood on their hands. Those who thus paint the Communists do a disservice to truth and a greater one to understanding.

The terror is rational. The Vietnamese Communist finds from experience that terror is his major advantage over the government, in that it makes possible almost all his important successes. Progress of his cause is directly proportional to the level of insecurity among the Vietnamese people. The greater the insecurity, the better his prospects. He may not particularly like using terror but he can intellectualize it so that it no longer bothers him. We must never underestimate the ability of the human mind to rationalize.

Insecurity, of course, is not exactly the same as terror, but is closely allied to it. Conversely, for the government, the more security, the brighter *its* prospects. To the government, security is a function of organizations—social, governmental, and military—which are efficient, effective, and attractive to the people, especially at the village level. For the government, security is not exactly the same as organization, but it is its most essential element.

Thus terror becomes the indispensable device for the Communists, just as organization through security becomes the indispensable device for the government. This is not to suggest that terror is the only concern of the Communists any more than the only concern of the government is organization. But in each case, terror for the one, organization for the other, are the respective essences.

WHAT ABOUT OUR SIDE?

All this leads to a question of central importance to those of us who deny the legitimacy of terror. What can we say of "terror" by the *opponents* of the people's war, by the Saigon government and Allied forces in Vietnam?

No one with any experience in Vietnam denies that troops, police, and others commanding physical power have committed excesses that, by our working definition, are acts of terror. No one can justify these, nor condone them. These excesses are wrong and beyond atonement. The heat of battle is no excuse. Neither is the argument that every army now or in history has been similarly guilty.

But there is an essential difference in such acts between the two sides, a difference of outcome or result. To the Communists, terror has utility and is *beneficial* to his cause, while for the other side the identical act is self-defeating. This is not because one side is made up exclusively of heroes and the other of villians, but rather, because terror is integral to Communist doctrine. They couldn't rid themselves of it if they wanted to, while the other side firmly believes, even though its members may not always behave accordingly, that it has a vested interest in abstaining from such acts.

It might be argued that terror from passion is the same as terror from policy. But in fact there is a world of difference; one side seeks to maximize the use of terror and the other seeks to eliminate terror from its ranks.

Although terror has been a constant in Communist activity in Vietnam throughout the war, the present objectives of that ter-

ror have tended to evolve with the war itself. At this writing there are three objectives.

First, terror diminishes the opposing force. It eliminates key individuals and reduces the total sum of power on the other side. Terror weakens greatly, and that is the single most important gain the Communists make by using terror. This is a hard objective. It goes beyond psychological considerations. A person is kidnapped and killed, or assassinated. Gone not only is an individual, but a service, a resource, an asset.

Second, terror sustains Communist morale. This may not seem to be of much importance to outsiders. But a guerrilla leader knows that his men's morale is far more ephemeral and subject to greater swings from euphoria to disphoria, than is morale among regular soldiers. He knows, too, that the most debilitating thought that can infect his men and drive morale down to the point where he dare not commit them to action, is a sense of growing impotency.

The guerrilla always sees himself as alone, beleaguered, surrounded, outnumbered. Nothing sends his morale soaring and wipes out despondency and doubt, like a shattering blow delivered the enemy in his lair—an attack expertly planned, faultlessly executed, and followed by unscathed escape. In a moment, the enemy's great firepower, his overwhelming numbers, his huge logistics base, shrink into unimportance. The terrorist feels omnipotent. That his blow may have been no more than an inconvenience to the enemy does not matter. The guerrilla's prowess is demonstrated, his invulnerability again proved—to himself.

The third major objective is the disorientation and psychological isolation of individuals. Terror is a rot in the social fabric. Hué, numb for months following the massacre, was a classic example of this. Terror destroys the individual's relations with his society. An assassination in a village not only frightens a villager but also blots out part of the structure of authority that was a source of his security. Terror of any sort shifts the ground strangely, like an earthquake. It removes underpinnings or order, leaving in its wake confusion as much as fear. A civilian expects safety and order from his government and when he does not get safety he becomes disoriented. He can no longer draw strength from society. He can rely only on himself. Even if he is physically untouched by terror, he still is terribly alone and in anguish. A terrorized village, an American psychiatrist in Vietnam has suggested, is a case of collective anxiety neurosis, with the victim seeking only relief. The victim, the village itself, stops behaving as a normal social unit. It fragments, each individual within it seeking only to ensure his own personal security.

The doctrine of people's war is the face of communism that the Vietnamese people have come to know well in the past decade. Much blood has flowed beneath the bridge. The Vietnamese people are wiser, and sadder, even if the world is not. How outsiders can assume the Vietnamese would prefer communism to an extension of the security being brought them by the government is a universal and never-ending puzzlement to everyone in Vietnam, Vietnamese and foreigners alike.

Yet, after surveying Communist terror and its uses, we can suggest that the effectiveness of terror as a political and psychological weapon yields diminishing returns. The programs rooted in terror grow weightier with the passing of each day—but without corresponding increased strength for its supporting pillars, the Communist cadres, and true believers. Communist leaders are prisoners of their own policy. For them to eliminate terror as a base might be to win worldwide commendation. But it would be suicide. So, in the short run, we can expect them to continue their slaughter. We can expect increased efforts to terrorize but with diminished effect.

We can also conclude from all this that to end the military defense of Vietnam, to halt opposition to these Communist programs would not, as has often been suggested, bring an end to the long suffering that has been the plight of the Vietnamese people. Considering the integral part terror plays in Communist social change, it does not follow—it cannot follow—that the quick and sure route to peace, to a moratorium on death, would be to permit the Communists to assume power.

Mr. GRIFFIN. Mr. President, will the distinguished Senator from South Carolina yield briefly?

Mr. THURMOND. I am pleased to yield to the distinguished Senator from Michigan.

Mr. GRIFFIN. I have had some discussion with the distinguished majority leader concerning the possibility that we might be able to reach an agreement on a vote on the amendment of the Senator from South Carolina, and I wonder if he would have any objection if we were able to reach agreement. There are others we shall have to contact, including the distinguished chairman of the Committee on Foreign Relations (Mr. FULBRIGHT) who has an interest in this amendment, and the Senator from Kentucky (Mr. COOPER), but I wonder if the Senator from South Carolina could indicate whether or not he would be agreeable to some time limitation tomorrow on his amendment.

Mr. THURMOND. Mr. President, I think so. Possibly if we could have 2 hours' debate tomorrow on the amendment, it would be agreeable to me to have a vote after that.

Mr. GRIFFIN. I appreciate that indication from the Senator from South Carolina. We will pursue the matter and see if we can reach some agreement.

Mr. THURMOND. Mr. President, I yield the floor.

DEFENSE PRODUCTION LOAN TO THE PENN CENTRAL RAILROAD IS A NEW AND QUESTIONABLE DEPARTURE

Mr. BYRD of Virginia. Mr. President, the Defense Department has agreed to guarantee a $200 million loan to the Penn Central Railroad.

The Defense Department took this action under the Defense Production Act of 1950.

The Penn Central Railroad is in financial difficulties and sought to borrow $100 million at an interest rate of 10½ percent. The railroad was not able to obtain such a loan even at that high rate of interest.

So a meeting was arranged in Washington and the Government agreed to guarantee the loan from the participating banks, which banks will receive an interest rate of from 8 to 8¼ percent.

I regret that the Penn Central is in financial difficulties. But is the Government obligated to bail it out?

If there is such an obligation on the part of the Government, should the Defense Department be permitted to act on its own? Should not an authorization first be obtained from the Congress?

On the same day that the Department of Defense agreed to guarantee the $200 million loan to the Penn Central Railroad, the Department came before the Senate Armed Services Committee to seek a $200 million contingency authorization in regard to the Lockheed Corp. The Department seeks authorization from the Congress for a contingency appropriation of $200 million over and above the amount which the Department of Defense says it owes to Lockheed.

I voted against that additional $200 million, but the Department of Defense took the proper course in coming before the Congress for the additional sum.

That is why I do not understand how the Department, on its own, can guarantee loans totaling $200 million for the Penn Central Railroad.

Top Defense Department officials advise me that they feel the Defense Production Act authorizes the Department to make such guarantees, without limit.

This, I feel, is very undesirable, both from the point of view of the taxpayer and from the point of view of the Congress. If the Department of Defense can use public funds to guarantee loans to the Penn Central Railroad, it can guarantee similar loans to almost any company in the Nation.

This issue has more than fiscal implications. Unchecked loan authority for the Defense Department gives immense political power to the administration in office—power that should be balanced by requiring congressional approval for major loan guarantees.

I do not suggest that anything improper has been done in the Penn Central case. But I do contend that the danger of political influence is present in the loan authority now granted by the Defense Production Act.

Mr. President, the history of sections 2091 and 2092 of the Defense Production Act suggests to me that guaranteeing a loan the size of that to Penn Central; namely, $200 million, is a sharp departure from past practices. I queried the Defense Department, seeking certain information with respect to that history. I ask unanimous consent to have printed in the RECORD at this point my telegram to the Department of Defense.

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

JUNE 11, 1970.

HON. BARRY J. SHILLITO,
Assistant Secretary of Defense, Installations and Logistics, the Pentagon, Washington, D.C.

United States Code, title 50, App. sections 2091 and 2092 authorize the Departments under the Department of Defense to guarantee loans and to make provisions for loans in order to expedite production and deliveries or services under Government contracts. Please provide, as soon as possible, the totals of (1) loans outstanding, and (2) loans guaranteed under these statutory provisions.

HARRY F. BYRD, Jr.,
U.S. Senator.

Mr. BYRD of Virginia. Since 1950, through May 31, 1970—that is a period of 20 years—1,625 loans have been made under the Defense Production Act. The total amount guaranteed by those 1,625 loans was $2.713 billion, or an average of less than $2 million per loan.

At the present time, there are seven loans outstanding, totaling $20 million, with $14 million of this amount guaranteed by the Government. So the Pen-Central guarantee is more than 10 times the total of the other outstanding loans guaranteed. That is a tremendous figure, it seems to me, and I feel that there should be a reappraisal of the Defense Production Act of 1950, with the express purpose of curtailing the power of the Department of Defense to guarantee loans to private industry.

Certainly there must be some limit. In fact, I feel that any loans with guarantees in excess of a certain amount—I am not sure what the exact amount should be, but say $20 million, for example—should come to Congress for approval.

Taxpayers' funds must be handled as a public trust, and when large sums are involved, it is imperative that the assent of Congress be obtained.

ORDER OF BUSINESS

Mr. BYRD of Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. 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.

NOMINATION OF ADM. THOMAS H. MOORER TO BE CHAIRMAN OF THE JOINT CHIEFS OF STAFF

Mr. GRIFFIN. Mr. President, at the request of the distinguished majority leader, I wish to notify the Senate that on tomorrow a rollcall vote is expected on the question of the confirmation of the nomination of Adm. Thomas H. Moorer to be chairman of the Joint Chiefs of Staff. The leadership has been placed on notice to this effect. This is simply to relay that notice to the Members of the Senate. It is anticipated that the vote will occur early in the day.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

UNANIMOUS-CONSENT AGREEMENT

Mr. GRIFFIN. Mr. President, I ask unanimous consent that beginning at 1 p.m. tomorrow, the further consideration of H.R. 15628 be made the pending business; that there be a limitation of 2 hours on the Thurmond amendment, the time to be equally divided between the sponsor of the amendment and the manager of the bill or any Senator they may designate; and that the vote occur not later than 3 p.m.

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

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That the Senate proceed to vote not later than 3 p.m. on Wednesday, June 17, 1970, on the pending amendment by the Senator from South Carolina (Mr. THURMOND), No. 701 to the bill (H.R. 15628) to amend the Foreign Military Sales Act, with the time for debate between 1 p.m. and 3 p.m. being equally divided and controlled by the Senator from South Carolina (Mr. THURMOND) and the Senator from Idaho (Mr. CHURCH), or their designees.

THE ROLE OF CONGRESS IN FOREIGN POLICY DECISIONMAKING

Mr. COOK. Mr. President, last evening on ABC–TV, I heard a very interesting statement by Howard K. Smith concerning Congress and its role in foreign policy decisionmaking, as one who has long advocated congressional reassertion in a variety of areas. I was pleased to hear the blame for the failure of this reassertion laid where it properly belongs—at the congressional doorstep.

In the opinion of Mr. Smith and also in the opinion of the junior Senator from Kentucky, Congressional failure has not been because of Executive dominance but rather congressional deference to the Executive.

Mr. Smith stated as follows:

There is some hope that the Senate will bring its long debate on foreign affairs to some kind of end this week or early next week. As it has been very confusing, some basics ought to be stated, even at the risk of repetition.

Senators say they are only trying to regain a share of control of foreign affairs, from the presidency which has hogged it all.

The facts do not support their complaint.

Congress has plenty of control, above all, the power of the purse. It can stop cold any military action by denying funds.

Moreover, contrary to what Senators say, most recent Presidents have consulted Congress before taking major action. Eisenhower did; so did Kennedy, and Johnson.

It is true that in the case of Vietnam, Johnson did not ask for a declaration of war. The reason was, he did not know what secret treaties North Vietnam had that might automatically bring Russia and China in, if there were a formal declaration.

However, Johnson did ask for a forthright authorization to use any military force in all southeast Asia. It was clear, but to make it clearer he went on television and explained it, then explained it again in a statement thanking Congress for passing it, 502 votes to 2.

Moreover, a clause was attached making it easy for Congress to rescind the resolution at will.

There is no rebuttal to the fact that we are fighting in Vietnam with Congress' free advice and approval.

The simple truth is—the main obstacle to Congress having more say is . . . Congress itself, its inability or unwillingness to vote clear decisions to change policy. That is exemplified in the past five weeks debate on a so-called anti-war resolution which in fact has nothing to do with ending the war.

THE PRESIDENT'S POWERS AS COMMANDER IN CHIEF

Mr. ALLOTT. Mr. President, for some time now the Senate has been debating, with appropriate care and thoroughness, the many difficult issues of the current argument concerning the President's powers as Commander in Chief.

Obviously, this is a subject on which honorable men of good will can and do disagree. What is sometimes not so obvious is the strong support the President enjoys within the ranks of the academic community and the professional students of international affairs.

Proof of this strong support has been coming to me over the past few weeks in the form of letters and memoranda from distinguished scholars who are anxious to uphold the President's traditional powers as Commander in Chief.

In the past weeks I have been sharing with all Senators the letters and memoranda I have been receiving. Today I want to share with Senators four more letters from distinguished authorities. Each letter is from a scholar associated with a highly regarded organization of specialists in international affairs.

The first letter I want to share comes from Dr. David S. Collier, director of the Foundation for Foreign Affairs.

Dr. Collier is strongly opposed to measures which threaten to cripple the President in performing his delicate duties as Commander in Chief. Dr. Collier says this:

We are very aware of the efforts of some Senators to hamstring and otherwise discredit the military maneuver in Cambodia by calling it an illegal usurpation of Congressional authority. However, for those of us who have studied the legal and historical aspects of the President as Commander-in-Chief of the Armed Forces, there can be only one conclusion: this is that the President, as supreme military commander, must have a leeway of judgment in these matters sufficient not only to protect troops in the field, but broad and adequate enough to bring the nation as quickly and as nearly as possible to a stance of victory. In any case, whether the victory would mean a negotiated peace or a battlefield triumph, the President must make this decision, and the role of the Congress by the Constitution was never meant to preempt this posture.

When it becomes clear that the President of the United States, based upon the best information he has, is taking decisive steps and staking his political future upon these steps, it is incumbent upon the people to have faith in him, give the short time he requests, and trust that he is indeed, as he says, taking the action in the best interests of the nation. It is not seemly for the Congress to second-guess the President in so delicate a matter. Indeed, by casting doubt on the actions through resolutions and pronouncements, the Congress exceeds its Constitutional role at the same time giving, we hope unwittingly, aid and comfort to the adversary. History has countless times shown us that only through a unity of resolution at home can the nation best the kind of adversary it is up against at this moment.

In the heat of debate our legislators are apt to forget the total game of this conflict and think only in terms of the next move. In so doing, there are some who would call for immediate withdrawal from Cambodia and indeed Vietnam today and in turn tomorrow would view with alarm and shock the consequences of their action: defeat not only

in Cambodia and Vietnam, but elsewhere in Southeast Asia tomorrow and other places in the world the next day.

Mr. President, the second letter I want to share with Senators comes from Prof. Franz Michael, director of the Institute for Sino-Soviet Studies.

Professor Michael is convinced that the route to lasting peace lies through respecting the traditional rights of the President. Professor Michael says this:

The answer to the communist strategy of wars of liberation is indeed, the Vietnamization policy initiated by the President. The political-military warfare faced by the United States in all these situations today and tomorrow differs in kind from the war between countries to which our constitutional concept of war refers. No congressional authority for declaration of war therefore applies. In international terms we could not, even if we wanted to, declare war against the Viet Cong or the Indo-Chinese Communist movement, and we do not want to become involved in all-out war with Hanoi or its supporters, Peking and Moscow. Rather, we have to strengthen the countries of the world with our support.

Only thus may we enable them to ward off the "Iron Tyranny" against which President Kennedy pledged to protect them. We cannot escape this problem. Half-world isolationism is the expression of Western parochialism, with racial undertones.

To retreat without honor in Vietnam will not protect us from future enlarged problems of the same kind. What is at stake is not only the issue of the Communists' further advance into new areas, but also our whole standing and credibility with all our allies in Asia, including Japan. The planned transfer of military and political force to our Vietnamese allies will enable us to withdraw honorably our own combat troops without inviting disaster for our allies and ourselves. Attempts to hamstring the President in any individual action are not only unconstitutional, they gravely endanger our present and future security. The unchallenged authority of the President as Commander-in-Chief will be crucial for the success of this policy and our future safety.

Mr. President, the third letter I want to introduce today comes from Dr. Richard F. Starr, associate director of the Hoover Institution on War, Revolution, and Peace at Stanford University.

Dr. Starr is concerned with the serious threat of massacres in South Vietnam in the event of a precipitate American withdrawal. He says this:

In a report entitled *The Vietcong Strategy of Terror*, Mr. Douglas Pike of the U.S.I.A. documents the three phases of killing. Civilians on a blacklist were taken from their homes and shot. Ultimately, the VC conducted indiscriminate murders in order "to leave no witnesses." Some 2,810 bodies have been exhumed at nearly twenty different locations around the city of Hue. Another 1,946 persons are missing presumably also victims of assassination squads. Mr. Pike writes that "virtually no communist killing was due to rage, frustration or panic during the communist withdrawal at the end."

The foregoing represents a preview of what would occur in all of South Vietnam, and indeed Cambodia too, if the United States were to abandon these countries to North Vietnam. It is something that should be pondered by those gentlemen in the Senate who want to force a precipitous withdrawal by American troops.

Mr. President, the fourth letter I want to introduce today comes from Dr. Frank A. Trager. Dr. Trager is professor of international affairs at New York University and is director of the national security program.

Dr. Trager opposes the attempts to limit the President's traditional powers. He opposes such limitations on constitutional grounds, but not on those grounds alone. He says this:

Apart from the constitutional issues involved in this, it seems to me that those of us who want to see peace restored to the Kingdoms of Laos, Cambodia and the Republic of Vietnam should wholeheartedly support the President's decision to wipe out the sanctuaries enjoyed by the North Vietnamese invaders of Laotian and Cambodian soil. I say this for several reasons. If American Armed Forces continue to be unilaterally withdrawn from the area and if the South Vietnamese are to be encouraged to defend themselves (the Vietnamization Program), then it follows that the Communist aggressors in Laos and Cambodia should not be permitted to enjoy, as they have for the past five years, sanctuaries in those countries. Further, it is the case that the neutrality of the Kingdom of Cambodia, flowing from the Cease Fire Agreement signed by representatives of Cambodia and the Democratic Republic of Vietnam in July 1954, and the neutrality of the Kingdom of Laos, flowing from the Geneva Agreement of 1962, have been violated by the Armed Forces of Hanoi throughout these intervening years. Until such neutrality is re-established, the governments of these two beleaguered countries should be given assistance in whatever measure to re-attain the status quo ante.

Professor Trager argues that we are in danger of undoing much of the good that we have done with our sacrifices in South Vietnam. He explains his position in this way:

Insofar as our country has spent life and treasure in an effort to preserve the security and independence of these Southeast Asian States, it—that is we—contributed to the chance for freedom in a much-troubled part of the world. Insofar as President Nixon has decided to continue this policy of Presidents Truman, Eisenhower, Kennedy and Johnson, I applaud him. Insofar as President Nixon has called upon the Asian and Pacific powers to do more for themselves, I also support him. And be it said, they have been and are doing precisely this. Americans ought to be aware of, and I hope that your colleagues in the Senate are aware of the Asian regional efforts now going into: Association of Southeast Asian Nations (ASEAN), Asian and Pacific Council (ASPAC), the recent Indonesian 12-nation Conference, the recent efforts of both the Republic of Vietnam and Thailand in offering assistance to the Kingdom of Cambodia, and other manifestation of Asian self-help.

Let us not falter now. Let us not get bogged down in hysterical and political partisan attacks on the Presidency and on President Nixon who is in fact withdrawing American combat forces from Southeast Asia as a major contribution to the ultimate restoration of peace in the area.

Mr. President, so that all Senators may profit from the contributions of these reflective men, I ask unanimous consent for these four letters to be printed in the RECORD.

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

FOUNDATION FOR FOREIGN AFFAIRS, INC.,
Chicago, Ill.

Senator GORDON L. ALLOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: Please permit me as a political scientist and as a writer and researcher for some years in international relations to support strongly the President's position in Southeast Asia.

We are very aware of the efforts of some Senators to hamstring and otherwise discredit the military maneuver in Cambodia by calling it an illegal usurpation of Congressional authority. However, for those of us who have studied the legal and historical aspects of the President as Commander-in-Chief of the Armed Forces, there can be only one conclusion: this is that the President, as supreme military commander, must have a leeway of judgment in these matters sufficient not only to protect troops in the field, but broad and adequate enough to bring the nation as quickly and as nearly as possible to a stance of victory. In any case, whether the victory would mean a negotiated peace or a battlefield triumph, the President must make this decision, and the role of the Congress by the Constitution was never meant to preempt this posture.

When it becomes clear that the President of the United States, based upon the best information he has, is taking decisive steps and staking his political future upon these steps, it is incumbent upon the people to have faith in him, give him the short time he requests, and trust that he is indeed, as he says, taking the action in the best interests of the nation. It is not seemly for the Congress to second-guess the President in so delicate a matter. Indeed, by casting doubt on the actions through resolutions and pronouncements, the Congress exceeds its Constitutional role at the same time giving, we hope unwittingly, aid and comfort to the adversary. History has countless times shown us that only through a unity of resolution at home can the nation best the kind of adversary it is up against at this moment.

In the heat of debate our legislators are apt to forget the total game of this conflict and think only in terms of the next move. In so doing, there are some who would call for immediate withdrawal from Cambodia and indeed Vietnam today, and in turn tomorrow would view with alarm and shock the consequences of their action: defeat not only in Cambodia and Vietnam, but elsewhere in Southeast Asia tomorrow and other places in the world the next day.

The Peoples' Republic of China sees in our internal disagreements an easy victory—that is, success in demonstrating to the world that the United States is indeed only a paper tiger, not to be trusted in matters of its word and not to be relied upon in any questions of defense. The conflict in Southeast Asia has broad and deep implications for the international structure of the world to come. It is time that some of our legislators thought more deeply about these eventualities.

The United States learned well the meaning of "too little and too late" during the early days of World War II. If now our nation is about to turn itself inside out and say of Southeast Asia "too much and too long," then through our impatience have we reduced our world role and ourselves.

I make these remarks, Mr. Senator, as a private citizen, but hoping that my voice in turn may have some public effect.

Sincerely yours,

DAVID S. COLLIER.

HON. GORDON ALLOTT,
U.S. Senator,
New Senate Office Building, Washington, D.C.
Attention: Dr. George Will.

DEAR SENATOR ALLOTT: I want to express my full support for the President's policy in Vietnam and Cambodia and my strong opposition to any attempt by Congress to interfere with the President's constitutional authority as Commander-in-Chief.

It is a grave error to regard the war in Vietnam as a "local war" in a small country, of no concern to our national security and to the security of the non-Communist world as a whole. The Communist strategy of national

wars of liberation, initiated by Lenin and first directed by Stalin, was meant to be applied and is applied now, on a world-wide scale. It is a strategy in which, conflict or no conflict, Moscow and Peking have a common stake. The threat in Indo-China is no different from that in the Near East; in fact, the two scenes of operation pose a global problem, as did once the Japanese operations in Indo-China in relation to the Nazi attack in Egypt.

The answer to the Communist strategy of wars of liberation is, indeed, the Vietnamization policy initiated by the President. The political-military warfare faced by the United States in all these situations today and tomorrow differs in kind from the war between countries to which our constitutional concept of war refers. No congressional authority for declaration of war therefore applies. In international terms we could not, even if we wanted to, declare war against the Viet Cong or the Indo-Chinese Communist movement, and we do not want to become involved in all-out war with Hanoi or its supporters, Peking and Moscow. Rather, we have to strengthen the countries of the world with our support. Only thus may we enable them to ward off the "Iron Tyranny" against which President Kennedy pledged to protect them. We cannot escape this problem. Half-world isolationism is the expression of Western parochialism, with racial undertones.

To retreat without honor in Vietnam will not protect us from future enlarged problems of the same kind. What is at stake is not only the issue of the Communists' further advance into new areas, but also our whole standing and credibility with all our allies in Asia, including Japan. The planned transfer of military and political force to our Vietnamese allies will enable us to withdraw honorably our own combat troops without inviting disaster for our allies and ourselves. Attempts to hamstring the President in any individual action are not only unconstitutional, they gravely endanger our present and future security. The unchallenged authority of the President as Commander-in-Chief will be crucial for the success of this policy and our future safety.

Sincerely yours,

FRANZ MICHAEL,
Professor and Director, Institute for Sino-Soviet Studies.

HOOVER INSTITUTION ON WAR, REVOLUTION AND PEACE,
Stanford, Calif.

Hon. GORDON ALLOTT,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: I am writing my personal views to urge that you vote against the Cooper-Church (No. 620) and McGovern-Hatfield (No. 609) amendments which would limit President Nixon's authority as commander-in-chief. Apart from the constitutional issues, on which I shall not comment, there are moral aspects that require some thought.

For example the Cooper-Church amendment in Article 4 would permit the bombing of Cambodia and, a seemingly indifferent attitude by its sponsors to the civilian population in that country.

The McGovern-Hatfield amendment suggests asylum for Vietnamese endangered after the U.S. withdrawal. Is it possible that these Senators do not realize that millions of individuals would be involved? An indication of the blood bath, which would take place in Saigon, could be seen when the Viet Cong and North Vietnamese occupied Hué during the 1968 Tet Offensive.

In a report entitled *The Vietcong Strategy of Terror*, Mr. Douglas Pike of the U.S.I.A. documents the three phases of killing. Civilians on a blacklist were taken from their homes and shot. Ultimately, the VC conducted indiscriminate murders in order "to leave no witnesses." Some 2,810 bodies have been exhumed at nearly twenty different locations around the city of Hué. Another 1,946 persons are missing, presumably also victims of assassination squads. Mr. Pike writes that "virtually no communist killing was due to rage, frustration or panic during the communist withdrawal at the end."

The foregoing represents a preview of what would occur in all of South Vietnam, and indeed Cambodia too, if the United States were to abandon these countries to North Vietnam. It is something that should be pondered by those gentlemen in the Senate who want to force a precipitous withdrawal by American troops.

Respectfully yours,

RICHARD F. STAAR, Ph. D.,
Michigan, Professor of Political Science, Emory University

NEW YORK UNIVERSITY,
New York, N.Y.

Hon. GORDON ALLOTT,
U.S. Senator,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR ALLOTT: I know of your deep concern in the current controversy over the powers of the Presidency and your related concern for President Nixon's policy in Southeast Asia. There is little doubt in my mind that the present language of the Cooper-Church Amendment, No. 620 and the McGovern-Hatfield Amendment, No. 609 are serious attempts at inhibiting or thwarting the powers of the President as Commander-in-Chief under Article 2, Paragraph 2 of the Constitution. The Congress, of course, has the right to "declare war," and I would favor this since it would clarify the situation that actually obtains in Viet Nam, Laos and Cambodia.

However, to return to these two Amendments may I say that I agree with the *Washington Post* editorial, May 5, 1970, which described the McGovern-Hatfield Amendment 609 as "too reckless for serious consideration." The Cooper-Church Amendment 620, though less reckless than the other Amendment, seems to me to be attempting to usurp the powers inherent in the Commander-in-Chief of the U.S. Armed Forces. Strategically and tactically, the Commander-in-Chief at any time in the next weeks and months may wish to deploy our forces in such a manner as to save American and Allied lives or, correlatively, necessarily engage in hot pursuit of the enemy. Members of Congress and other citizens have a right to dissenting views with respect to the strategy and tactics pursued by the Commander-in-Chief. But they do not have the right to interfere with his decisions except by removing him.

Apart from the constitutional issues involved in this, it seems to me that those of us who want to see peace restored to the Kingdoms of Laos, Cambodia and the Republic of Viet Nam should wholeheartedly support the President's decision to wipe out the sanctuaries enjoyed by the North Vietnamese invaders of Laotian and Cambodian soil. I say this for several reasons. If American Armed Forces continue to be unilaterally withdrawn from the area and if the South Vietnamese are to be encouraged to defend themselves (the Vietnamization Program), then it follows that the Communist aggressors in Laos and Cambodia should not be permitted to enjoy, as they have for the past five years, sanctuaries in those countries. Further, it is the case that the neutrality of the Kingdom of Cambodia, flowing from the Cease Fire Agreement signed by representatives of Cambodia and the Democratic Republic of Viet Nam in July 1954, and the neutrality of the Kingdom of Laos, flowing from the Geneva Agreement of 1962, have been violated by the Armed Forces of Hanoi throughout these intervening years. Until such neutrality is re-established, the governments of these two beleaguered countries should be given assistance in whatever measure to re-attain the status quo ante.

There is a larger issue involved here, and that is the peace of Southeast Asia. I have served our government in that area as an AID mission chief and have been intimately concerned with it academically since the early 1950's. I can assure you that, as a matter of historical record, every country in Southeast Asia with the exception of the State of Singapore has had to cope with planned Communist insurgency initiated originally under the policy of the Moscow-sponsored Communist Information Bureau in 1947 and then joined by the Chinese Communists after their advent to power in 1949. If it be argued that this is a form of civil war, then, legally, it is proper for other governments to aid Southeast Asian governments in overcoming such insurrection. But what has happened in Southeast Asia, at least since 1948, is not just a local civil war, but in fact a series of wars instigated and supported by Moscow and/or Peking under their general political slogan of support for wars of national liberation.

In so far as our country has spent life and treasure in an effort to preserve the security and independence of these Southeast Asian States, it—that is we—contributed to the chance for freedom in a much-troubled part of the world. In so far as President Nixon has decided to continue this policy of Presidents Truman, Eisenhower, Kennedy and Johnson, I applaud him. In so far as President Nixon has called upon the Asian and Pacific powers to do more for themselves, I also support him. And be it said, they have been and are doing precisely this. Americans ought to be aware of, and I hope that your colleagues in the Senate are aware of the Asian regional efforts now going into: Association of Southeast Asian Nations (ASEAN), Asian and Pacific Council (ASPAC), the recent Indonesian 12-nation Conference, the recent efforts of both the Republic of Viet Nam and Thailand in offering assistance to the Kingdom of Cambodia, and other manifestations of Asian self-help.

Let us not falter now. Let us not get bogged down in hysterical and political-partisan attacks on the Presidency and on President Nixon who is in fact withdrawing American combat forces from Southeast Asia as a major contribution to the ultimate restoration of peace in the area.

Sincerely yours,

FRANK N. TRAGER,
Professor of International Affairs and Director, National Security Program.

P.S.—I am taking the liberty of enclosing under separate cover several items on the above subject matter, which may be of interest to you.

SIR ROBERT THOMPSON SUPPORTS THE PRESIDENT

Mr. ALLOTT. Mr. President, as we have continued to explore the many issues relevant to the current debate, one thing has become increasingly clear. Much of the concern about the military tactics employed in the Vietnam war, and about the President's power to set military tactics, has been based on an incomplete and, in some cases, emotional understanding of the incursion into Cambodia.

That is why many of us have been concerned to explore all these issues with proper thoroughness. Many of us think the President's tactics are militarily sound. In addition, we think he is not only empowered by the Constitution to

make such tactical decisions, but we think he is required by the Constitution to act with such vigor and directness in dispatching his duties as Commander in Chief.

Those of us who feel this way have been concerned about one thing from the very beginning of this current debate. We have been concerned lest the Senate make a significant decision on the basis of incomplete and insufficient information.

The decision that the Senate is contemplating making with regard to the President's powers as Commander in Chief is significant and unprecedented. It is a decision of constitutional significance, reaching to the very fundamentals of settled practice. It tampers with the traditional separation of powers in the U.S. Government.

It would be a shame, and a dangerous departure, for the Senate to plunge ahead with a judgment on the President's current tactics, and on his powers to set tactics, without waiting for a clear reading on the success or failure of the tactic in question.

Obviously the tactic in question is the decision to undertake an attack, limited in scope and duration, to clean out the nest of interlocking Communist sanctuaries along the border between Cambodia and South Vietnam.

Obviously the tactic generated an instantaneous and emotional response. I am one of those who feels that the emotional outburst was way out of proportion to the modification of American tactics in Southeast Asia. I am one of those who feel that a wind of emotion blew through these Halls in the first weeks of May. In fact, it might well be said that the strong winds blowing about these Halls amounted to a northeaster. It was a generated wind of protest dominated by that minority which is strongest in the Northeast section of the Nation.

However that may be, one thing is crystal clear. Some of the President's most vocal critics were very vocal in their criticism before there was any suitable evidence on which to base a judgment of the President's policy with regard to the Cambodia sanctuaries.

This is why a number of us have been anxious to explore the whole range of relevant issues with proper thoroughness, so that the full facts about the Cambodian policy may be known before the Senate renders a decision on it, and on the powers of the office from which the policy originated.

Thus it is significant that the evidence continues to mount that the policy is a real success. I am sure all of us hope the operation will be a success. Many of us think it has already proven itself to be a success. For those who are not yet convinced, the evidence of success continues to mount.

In this regard I would like to call the Senate's attention to the informed judgment of an acknowledged expert.

Mr. President, today's edition of the New York Times contains a most significant story concerning Sir Robert Thompson's support for President Nixon's policy with regard to the sanctuaries along the Cambodia-South Vietnam border area.

Sir Robert is widely recognized as one of the world's leading authorities on guerrilla warfare. He is the author of "No Exit From Vietnam," an important book which I commend to the attention of all Senators who are interested in the global significance of the limited conflict in which we are involved. In addition, Sir Robert will soon be publishing a book entitled "Revolutionary War in World Strategy, 1945–1969."

Sir Robert gained his knowledge of guerrilla warfare in the field, not in the groves of academe. He guided the British forces to victory over Communist guerrilla forces in Malaya in the 1950's.

Thus it is all the more significant that this man of practical wisdom considers President Nixon's Cambodian policy wise. Sir Robert says this:

> Cambodia has been involved from the very beginning. It has always been a war for Indochina. Prince Sihanouk himself, in his magazine, Le Sangkum, wrote that Cambodia's fate was tied to that of South Vietnam.

With regard to the sanctuaries, Sir Robert told the Times:

> If President Nixon hadn't moved across the border, the Communists would have had a secure base area and could have moved onto the rest of Cambodia any time they wanted to.

Sir Robert places special emphasis on the psychological lift which the Cambodian operation will give the allies. He says this:

> The whole point of Vietnamization is psychological improvement, not just military improvement. Psychological dominance has long been the key to North Vietnamese success. They were confident and the people knew it. Now this operation, as an unintended side effect, has given the South Vietnamese confidence.

Of course, Sir Robert recognizes that there have been material as well as psychological gains from the Cambodian operation. He is convinced that—

> It will take the Communists a long time to restock, and it has given the Saigon Government 12 months to secure its pacification program in the delta.

Sir Robert is convinced that—

> The Communists cannot afford to continue losing strength in the delta.

Sir Robert believes that any Communist adjustment to recent material losses will be a short-term and most imperfect adjustment.

Mr. President, so that all Senators may have the benefit of Sir Robert's judgments, I ask unanimous consent for his interview in the Times to be printed in the RECORD.

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

[From the New York Times, June 17, 1970]

BRITON BACKS UNITED STATES ON CAMBODIAN STEP; GUERRILLA EXPERT DISCERNS IMPORTANT SUCCESSES

Sir Robert Thompson, the British expert on guerrilla warfare, believes that President Nixon had little choice but to go into Cambodia and that the allied operation there has achieved some important successes.

Sir Robert, considered the architect of the British victory over the Communist guerrillas in Malaya in the nineteen-fifties, said in an interview here, "Cambodia has been involved from the very beginning. It has always been a war for Indochina. Prince Sihanouk himself, in his magazine, Le Sangkum, wrote that Cambodia's fate was tied to that of South Vietnam."

"If President Nixon hadn't moved across the border," Sir Robert added, "the Communists would have had a secure base area and could have moved into the rest of Cambodia any time they wanted to."

Sir Robert, who is 54 years old, carried out a study mission for President Nixon in Vietnam last year and has often been cited favorably by the President as an expert on combating Communist insurgency. His latest book, "Revolutionary War in World Strategy, 1945–1969," will be published here next month.

PSYCHOLOGICAL GAIN CITED

In Sir Robert's view, the great psychological lift that the South Vietnamese obtained from their surprising military showing in Cambodia will prove very beneficial to the Vietnamization program, under which American troops are gradually withdrawn as South Vietnamese soldiers assume the major fighting role.

"The whole point of Vietnamization is psychological improvement," he explained, "not just military improvement. Psychological dominance has long been a key to North Vietnamese success. They were confident and the people knew it. Now this operation, as an unintended side effect, has given the South Vietnamese confidence."

Sir Robert, a soft-spoken man dressed in a dark suit and an English club tie, also stressed the importance of the supplies captured by the Americans and South Vietnamese in the Communists' border sanctuaries.

"SAIGON GETTING STRONGER"

"It will take the Communists a long time to restock, and it has given the Saigon Government 12 months to secure its pacification program in the delta," he said.

This could be a critical factor, he added. "The Saigon Government has been getting stronger, and the Communists cannot afford to continue losing control in the delta."

In guerrilla warfare, he explained, losing control of villages and their supply of men and rice has a progressive effect, leading to further loss of power.

Sir Robert, who once headed the British Advisory Mission in Vietnam, said that the key question in Cambodia is whether the North Vietnamese are able to enroll Cambodians to help them.

"They are fanning out into small units to avoid the Americans and South Vietnamese," he said. This way they can live off the land for a while.

TERROR IS A WEAPON

"But some time they will need new supplies, and if they don't have Cambodians to do their village organizing, they won't have the guerrilla advantage of being fishes in a friendly sea."

Sir Robert said the North Vietnamese did have one advantage. "They have shown their power and the Cambodians are scared to death of them," he said. Terror is critical to guerrilla warfare, he commented.

Sir Robert said that he believes, in general, that Vietnamization has proceeded well enough for President Nixon to carry out his planned withdrawal of American troops.

He criticized what he termed "the tendency for the Americans to overload the South Vietnamese with sophisticated military equipment that is too expensive to operate and maintain." "The American military like to Americanize the Vietnamese Army," he said.

ADDRESS OF FORREST C. POGUE AT MURRAY STATE UNIVERSITY

Mr. ALLOTT. Mr. President, Forrest C. Pogue, executive director of the George C. Marshall Research Foundation, has recently received honorary degrees from Washington and Lee University and Murray State University.

At Murray State on June 6, he was privileged to give the commencement address, and it is a pleasure to be able to call it to the attention of the Senate.

Mr. Pogue, who is the author of a highly respected biography of General Marshall, entitled his address "Whirl is King." It concerns the rising tide of extremism in this Nation, and possible dangers that can result.

So that all Senators can enjoy Mr. Pogue's wise comments, I ask unanimous consent for his address to be printed in the RECORD.

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

WHIRL IS KING

(By Forrest C. Pogue)

"Whirl is king, having driven out Zeus." With this quotation from Aristophanes, Walter Lippmann began a volume on the whirling confusion of his day which followed the sweeping away of moral authority and traditions. Huxley was right, he says, when he declared: "A man's worst difficulties begin when he is able to do as he likes."

"What most distinguishes the generation who have approached maturity since the debacle of idealism at the end of the war is not their rebellion against the religious and moral code of their parents, but their disillusionment with their own rebellion. It is common for young men and women to rebel, but that they should rebel sadly and without faith in their own rebellion, that they should detest the new freedom no less than the old certainties—that is something of a novelty. As Mr. Canby once said, 'At the age of seven they saw through their parents and characterized them in a phrase. At fourteen they saw through education and dodged it. At eighteen they lost respect for their home towns, and at twenty they saw that our social system is ridiculous. At twenty-three the autobiography ends because the author has seen through society to date and does not know what to do next.' "

"They have seen through the religion of nature to which the early romantics turned for consolation. . . . They have seen through the religion of beauty because, for one thing, they are too much oppressed by the ugliness of Main Street. They cannot take refuge in an ivory tower because the modern apartment house, with a radio loudspeaker on the floor above and on the floor below and just across the courtyard will not permit it. They cannot make a religion of science . . . because they do not understand modern science. They never learned enough mathematics and physics. . . . As for religion of progress, that is preempted by George Babbitt and the Rotary Club, and the religion of humanity is utterly unacceptable to those who have to ride in the subways during the rush hour."

"The eager search for new religions, the hasty adherence to cults . . . are confessions that to modern man his activity has no place in any rational order. His life seems mere restlessness and compulsion, rather than conduct lighted by luminous beliefs. He is possessed by a great deal of excitement amidst which, as Mr. Santayana once remarked, he redoubles his effort when he has forgotten his aim."

Having recently put down this volume of criticism on a troubled period of history, I picked up another, a novel on the generation gap—of the difficulties between fathers and sons. The story opens with the visit of a young student and his best friend, on the way home from university, to the estate of the former's father, who, while completely out of date, tries to keep up to some extent with the new generation. The father's brother, living more in the past, finds it difficult to cope with the new ideas.

The older visitor, a medical student, is brash, sure of himself, almost contemptuous of the older generation. "Your father is a nice old man," he tells his college friend, "but his day is done." We are thoroughly prepared for the argument which follows between representatives of the two generations. The student starts one argument by declaring that "negation is the most useful thing of all." Angered, the brother of the host retorts, "You deny everything, or, speaking more precisely, you destroy everything. . . . But one must construct too, you know." "That's not our business now," said the student impatiently, "The ground must be cleared first." "But do you destroy without knowing why," came the question. "We shall destroy because we are a force."

The two books might have been written this week. But the former Lippmann's Preface to Morals, I first read forty years ago in Dr. Lowry's Sociology class, and the second, Turgenev's Fathers and Sons, appeared in Russia more than 100 years ago. But the problems they describe are completely contemporary. I have been amused on rereading them to find that I have reacted differently since the first reading. I read Lippmann as a junior and felt somewhat irritated at his viewpoint toward youth. The Turgenev I read in 1932, a few months out of graduate school, with a Master's degree and no job—returned to my home in a tiny West Kentucky town—reduced to killing boredom by turning through the pages of Everyman classics. I was inclined then to feel that the great society of my day had blundered into a staggering depression that was upsetting the entire whole economy—and particularly preventing me from getting a job—and that it needed to be swept away so that we could begin again properly. Quite aged, a few months past twenty, I was certain that some changes needed to be made; that they needed to be made now.

Three things stand out from the books by Lippman and Turgenev concerning the young: (1) their desire to change everything at once and to start fresh, (2) the tendency to grow bored and world weary with the changes they have begun, and (3) impatience with authority.

Extravagance and youth go together. It makes each new generation interesting and difficult for the generation passing off the stage. The extravagance is made bearable for the old because of the knowledge—as one critic writes of FATHERS AND SONS—that in twenty years the son will himself understand what it is to be called out-of-date.

Although Turgenev's young student occasionally attacked the romantic ideas of the age just past, he showed many of their attitudes in the extravagance of language. From the time of Byron to that of Hugo, the young intellectuals and artists had attacked tradition in ideas as they did in dress. Long locks, oddities in clothing, became the fashion as conformity in non-conformism became the rage. At one stage they won the nick name "Les Incroyables" (the incredibles or unbelievables) for their eccentricities. Their writings, music, and art were marked by a breaking away from classic forms, by a deep melancholy, admiration of the noble savage, a desire to escape to nature, a love for the morbid, and a certain preoccupation with death. The medical student who preached Nihilism spoke of an age of science but his exuberant talk of sweeping everything away and starting over had a Romantic wildness about it which appealed to a generation of Anarchists who sought to purge old sins and discarded ideas by bombing or shooting a number of high officials, including in twenty years the murders of the Tsar of Russia, shortly after he emancipated the serfs, the President of France, the King of Italy, the Empress of Austria, and the President of the United States. Convinced that the removal of those in authority and the destruction of police stations, banks, and government offices would overnight bring the millenium, they cheerfully blew up themselves along with their victims or surrendered happily to the police. One can understand the killing of a tyrant or the bombing of a monster when their removals might bring a better life. But the anarchistic terrorists made no distinction between bad and good men. All authority was bad and it must be removed in every form.

The student of the past may well be concerned by the violence of the last few years and will agree that universities are in a state of crisis. But he will not concede that this is unparalleled in modern history. His concern is that through neglect of the study of history, the young will ignore some lessons and some warnings.

Few young militants in the universities realize or care how painfully the modern university system has been developed and freedom of instruction and discussion in classrooms won. Early universities grew up around small communities of students which had been established near a cathedral where churchmen taught interpretations of the scriptures or canon law. The power to give licenses to teach was conferred on the churchmen in charge by popes, kings, and emperors. Some rulers and churchmen, in order to aid poor students, set up endowments which helped to provide subsistence. Students found their own lodgings, usually near the lecture rooms, and made their own arrangements for lectures with professors, sometimes swearing, according to tradition, that they would not use their knives or swords on professors if they failed their examinations. One took what the professor was inclined to teach and accepted the conditions laid down by the church.

Many university students were older than the average student of the present day and were not always gentle in their manners. Over pots of ale and glasses of wine in taverns, they engaged in quarrels, and some were seized for theft of purses and for swordplay. To avoid inevitable clashes between Town and Gown and to prevent local authorities from entering the lecture rooms to haul out students for punishment, the universities in time lodged their students within walls and established curfews and rules for their comings and goings. Except in such matters as murder and sacrilege, the city authorities tended to leave to university officials the keeping of order within their precincts. One can see in Heidelberg the university jail where youthful offenders were kept. He can also see a copy of a proclamation addressed by the Tsar of Russia to his troops, when they came through Heidelberg during the Napoleonic wars, forbidding them to stable their horses or billet their men in the buildings and yards of the university.

In the period between the early Middle Ages and the wars of Napoleon, nearly every major country of Europe had developed universities, adding to the original faculty of theology other faculties of philosophy, medicine, and law. Even though they became powerful, administrators became aware that their rights did not extend to making attacks against the emperor or king nor to teaching heresy. Professors and students attacking the authority of the state could be hanged and those guilty of heretical teachings could be jailed or even burned. Cautious

schoolmen learned to avoid touchy topics of state and advanced interpretations of the scriptures. Or often they learned to hide attacks on a modern tyrant in a classic course involving the history of Rome and Greece.

When liberal ideas in the universities came in touch with a liberal movement within a country, an opening was made which permitted students unaccustomed latitude. Thus, the Napoleonic wars, with their spreading of nationalism and demands for unity in historically divided states such as Italy and Germany encouraged students and professors in lands opposed to the French Emperor to preach unification of their countries in the classroom. Students in several of the smaller German states organized clubs where, after taking fierce oaths of brotherhood, they read fiery attacks on Napoleon and sang stirring songs of German unity. After Waterloo they continued their demand for German unity although it, in effect, involved opposition to the rulers of Austria, Russia, and Prussia who desired that the German states remain numerous and weak.

It was in this climate of reaction that German students in 1817, still tasting the heady wine of German nationalism, organized a festival at Wartburg Castle, associated with Luther's 16th century definance of the Pope. It was no Woodstock but it frightened the authorities. In the spirit more of a pep rally rather than of conspiracy, or should we call it "living theater", they tossed into a blazing bonfire a wig, a corporal's cane, a copy of Prussian police regulations, and the plays of Kotzbue, a German conservative dramatist, who was suspected of being in the pay of Russia. The burned symbols represented the court, hidebound restrictions, the Army, the State. Prince Metternich, as representative of the Emperor of the Austro-Hungarian empire, who had assumed the task of keeping Conservative forces in control of Europe, watched warily this student movement. When some months later, a half crazed student killed Kotzebue, Metternich acted quickly. Summoning representatives of neighboring nations to Carlsbad he persuaded them to put into effect strong decrees against freedom of instruction and of the press. Special curators were appointed to oversee universities, guards were placed inside classrooms, and in many schools special subjects, such as history and philosophy, were suppressed or kept under special surveillance. (It is interesting to note that history, a topic which periodically some of our university friends propose to toss out as irrelevant to the present day, was always a topic which despotic monarchs suppressed first as dangerous to the monarchy.)

There were stirrings in 1830 among students and workers but little of a profound revolutionary nature came until 1848—the year of revolution throughout Europe. The prime participants were members of the bourgeoisie, workers, and students. In Paris after the government of Louis Philippe had forbidden a banquet on Washington's birthday, students of the university joined the workers and middle class representatives in demonstrations against the king. Fired on by troops protecting the royal palaces, the dissidents threw up barricades in the streets of the city. Frightened and disheartened the king fled and the surprised rioters proclaimed a republic. The news from Paris spread through Europe where capital after capital, long weary of repressive rule, rose in revolt. A student march in Vienna asking freedom from censorship helped to spark the rising in that city. In panic, the emperor permitted arms to be given to students who organized an "Academic Legion" and passed the summer pleasantly attempting to run the government of the city.

Exuberant students joined with revolutionists across Europe in movements in which they hoped to bring autonomy to some, unity to others, extend the right to vote to the middle class, and obtain better wages and hours for workers. Following a pattern which was to become commonplace in later risings, the coalition of moderate and left wing elements soon fell apart. Demands by the workers frightened the middle class, extravagant statements and recriminations drove many moderates into the arms of the reaction. When the workers refused to moderate their demands, officers of the new republic called in troops. Within a short time some 3000 radicals—part of them students—were shot or hanged. Having ventured outside their gates, the students received no quarter. In Vienna, a large military force, encouraged by Russia, drove out the liberal government with much bloodshed. By the end of 1848 the revolution was at an end with few gains for liberalism. The republic was retained in France, but in the hands of the nephew of the Napoleon I. Within three years, Louis Napoleon had made himself Emperor of the French.

In the years that followed students split along class lines. Students of the aristocracy and the upper middle class abstained from revolt; some of the poorer joined Marxist groups or slipped swiftly from school life into Bohemian quarters of great cities to engage in talk and dreams of the Revolution. Although students furnished fighters to political riots in the late 19th and early 20th centuries, leaving their wounded or dead in bloody skirmishes in the streets, they left the leadership and the main work to the working class. At times, there was an attempt to aid in peaceful picketing or in demonstration in favor of imprisoned laborers, but a lack of community understanding and cooperation existed between those who had gone from the secondary schools and academies into universities and their worker counterparts who had left school in the lower grades to enter the factories and the mills. A cleavage developed which has never been completely closed.

For the most part, the American universities developed without the European tradition of violent confrontations with police and troops. Often deliberately placed in small communities away from cities or set apart from the community in which they lived by dormitory and club life, American students tended, until recently, to be onlookers rather than participants in the upheavals in political and economic life. Only after graduation, when they had found their way into professions did they become linked with activist groups.

To some degree, the universities in the United States owed their economic support to a certain neutralism in political and economic strife. The private institutions depended on gifts by the wealthy to pay for buildings and instruction while the state institutions, dependent often on the goodwill of governors and legislatures, found it expedient to court the favor of state authorities. In a sense, there was a reversion to the compromise of the Middle Ages—the Town respected the rights of the Gown as long as the latter kept its criticisms within its walls.

For some reason, student activists of the present day have never understood this compromise and have assumed that presidents and deans are free agents who can be forced to grant not only changes within the universities proper but also made into agents who can coerce the state. Although within the past fifty years, administrators and older professors have won great freedom of action in their own affairs and have built up considerable immunity against alumni and legislative censorship of their programs, they are dependent on a continued flow of income from increased endowments and legislative appropriations.

In a period of inflated costs and increased demands on private universities by student groups, the private institutions are particularly vulnerable. Student demonstrations which frighten conservative or moderate donors place the university in intolerable situations. Their traditions of free speech favor the students; their practical will to survive favors refusal of excessive demands. Small wonder that administrators appear vacillating to both sides.

The state universities are in almost even worse plight, despite rather generous appropriations in recent years. Without large endowments, required to admit ever-increasing numbers of state residents, the state schools have struggled to provide new classrooms, dormitories, greatly enlarged faculties amid spiraling costs. Legislatures already overwhelmed by demands for funds for public school education, for highways, for social welfare programs look increasingly for a place to cut appropriations.

In this situation, militants must face the fact that while they may be able to burn down a school, drive presidents and deans from their offices and even their homes, and seize buildings, they cannot coerce the legislatures of the states. These men have been threatened by experts. But they react poorly to demonstrations. Much more effective are the returns from the precincts.

At the last rally in Washington, which serious-minded college organizers kept peaceful despite the efforts of a small group to make it violent (those student marshal pigs were worse than the cops "some militants declared), the main theme was that the next student move would be in the fall elections. A few ruled out this move and called for revolution. This last group made two fundamental errors in judgment—one a failure to see that the revolution has been made and the other a failure to see that the base for the more violent revolution they desire does not exist.

It is difficult for a student born 18–20 years ago to realize the tremendous revolution that has swept this country in one college generation. And it has come in the case of concessions to Black people and to students, not because of rallies or marches but because a great many people—black and white, young and old, conservative and radical—have known in their hearts for years that changes were required. The rallies and the dramatizations of injustices have played their part, but they would have come to nothing but for the fact that there was silent support from the moderates.

Gandhi, shriveled, toothless, half-naked, dressed in rough cloth that he had spun himself, mobilized a people against a mighty empire in the 1920s and 1930s. He did it not by violence nor by invective but by catching the conscience of the British people. He was safe from clubbings because his calm nonviolent protests made uneasy a people which had treasured independence. Their support gave him victory.

Isn't this the way continued change must come? Does not deep revolutionary change in our ways and institutions, as opposed to revolution "for the hell of it", require a broader base than student protest? How can students drawn from every state in the land, dependent on scholarships, family allowances, or government-backed loans continue to close down universities? Millions of older people are as uneasy or as outraged as students are about many of the national and international problems that we face. But the small band of activists by their clowning, their flouting of every rule of free discussion, their Marcusian scorn for tolerance and moderation, are depriving their movement of the sentimental advantage that American students have possessed for generations. Although students have upset their parents and neighbors for centuries, there has been a wry tolerance and a forgiving approach to college pranks and extravagant actions through the years. That advantage is drying up.

Where is the working class support that a successful revolution requires? Where is the

backing of a solid ethnic group which might reinforce student demands? The worker made his own fight for more than fifty years—with little assistance from students I would note—in strikes and organization and bloody encounters at first for decent working hours, and then for better wages, and finally for security for his old age. Now that he has them he does not react well to accusations that he is a crass materialist. Having skimped and saved to send his children to a college which he never had a chance to attend, he is outraged when students invite his help in closing it down.

At times in the past there has been a tacit community of interest between most students and some Blacks. But can the white students from well-to-do homes mobilize the majority of the Blacks against materialism? Many Blacks resent the efforts of the student militants to tell them what is good for them. The student leaders who announce their intent to stage future revolutions might well ponder the reaction of a Black worker at the time of the recent demonstration in Washington: "Revolution is the latest fad with those white college kids. They know their daddies can afford it."

The danger is that the excesses of the student militants—the mind-blowing type where "Whirl is king"—can bring repression and indefinite postponement of the true and deep revolution—justice for the Blacks, constructive changes in the educational system, in depth attack on poverty, environmental pollution, war, overpopulation—the whole list of contemporary ills. In a manner reminiscent of the young student in Turgenev's book, some of the militant leaders have recently reeled off a number of summer pastimes for settling the world's problems—infiltration of factories where they can stage showdowns, causing widespread power shortages, contaminating water supply, blocking main traffic arteries (that was done for several days recently at the University of Maryland, aiding the campaigns of all the candidates who promised law and order). This type of approach to solving crucial problems, is equivalent to advocating the burning down of medical schools as the cure for cancer.

There is, of course, no easy answer to the problems which seriously divide this country. War, disarmament, race, pollution have been with us for generations and they will not be solved by a nihilistic approach. I believe that the progress we have made has come in part because professors such as Doctor Lowry here have examined problems with their students, have spoken out in the classroom and to clubs where they were invited, have taken time to talk with genuinely troubled students in their offices, and have educated a group of citizens whose voices have been decisive in their communities.

I realize that this process seems unduly slow. But I would preserve the right of free discussion. I would condemn the swollen-faced extremist, full of rage and hate, who screams himself hoarse with cries of "Communist rat" or "Fasist pig." I am old-fashioned enough to believe that problems must still be approached with reason. I believe that there is still a place in the quiet of the university community where a wise professor and a thoughtful group of students can come closer to solutions than in angry confrontations.

In this climate, there must be a disposition on the part of those in authority to make adjustments required by changing times. But there can be no free discussion on the basis of non-negotiable demands. Neither can there be useful dialogue on the basis of topics which are ruled out of order. I have been encouraged in recent weeks by the way in which the students, faculty, and administration of Murray State have handled the crisis which followed the tragedy at Kent State. There was an attempt to examine the issues and to let representatives in Washington and elsewhere know their views.

Particularly encouraging has been the decision by many students to turn their energies in the coming months to the ballot box. More effective than any shouting match is a carefully run campaign. But victories at the polls demand more than sudden improvisation. And candidacies can be wrecked by violence on the eve of elections. The frightening thing is that some students have said "We will give the system one more chance" as if there must be instant success, or else. It is a bit like kicking a slot machine because it doesn't pay off the first time you put in your quarter.

I believe our extremely serious problems deserve a more thoughtful answer than that. Because we are dealing with civilization and the decisions we make may be fatal ones. We shall need a broad coalition to make our ideas work. I often hear repeated nowadays, the powerful lines of William B. Yeats, written a half century ago:

"Things fall apart; the centre cannot hold;
Mere anarchy is loosed upon the world,
The blood-dimmed tide is loosed, and everywhere
The ceremony of innocence is drowned;
The best lack all conviction, while the worst
Are full of passionate intensity."

Kenneth Clark repeats that verse in his book, Civilization, which was published recently. He makes the point that civilization, seemingly strong, is actually quite fragile and that it can be destroyed by a number of factors. It is endangered by a number of fears such as war, invasion, plague or famine. It is stifled by those who oppose growth or change. It is doomed by exhaustion or by feelings of hopelessness. Civilization, he continues, requires confidence—(1) a confidence in the society in which we live, (2) a belief in its philosophy, (3) a belief in its laws, and (4) a confidence in one's mental powers. Above all, there must be a sense of permanence. Civilized man, he argues, must feel he belongs somewhere in time and space, consciously looking forward and back. All of these, one might add, are aided by the free university.

Such a society must be based on a knowledge of our mistakes and our successes. It requires a courage that does not drop out, a tolerance that does not shout down those with whom we disagree, a willingness to testify to one's beliefs, an ability to work patiently for a desired end. Let us hope that the tremendous energy that has been shown in the protests of the past year can be brought to the building of a constructive program that can affirm rather than deny.

In a thoughtful column the other day, James Reston made an appeal which we might all think about in an era when it is easier to scream at an opponent than to discuss his position. Declaring that we suffered from inflated language and despair, he suggested that we turn to the following statement by the philosopher, Alfred North Whitehead:

"It is the first step of wisdom to recognize advances in civilization as processes which all but wreck the society in which they occur . . . the art of free society consists, first, in the maintenance of the symbolic code; and secondly, in a fearlessness of revision . . . those societies which cannot combine reverence to their symbols with freedom of revision, must ultimately decay."

Twenty-six years ago today, I was aboard a landing craft in the English Channel, part of a follow-up force which was to go in after the beaches of Normandy (in our case, Omaha Beach) had been secured. In the previous five days, as we waited anxiously on our LST, there had been time to think of the coming attack and what it meant for us and our generation. We had had years of confusion, of moral doubts, of internal division. For years "Whirl" had indeed been king. Now we were united and our minds and hearts were set on one thing. All our energies were set on victory.

There were some who felt that the outcome of the battle would determine whether Western Europe regained its freedom and whether the right to speak, write, and teach freely would be restored. There was the question whether young Europeans, then in Labor battalions, in the Resistance, or in prisons, would again have the chance to go to school or to pursue their professions. We were not happy at the prospect of what the coming battle might bring to us personally. But we felt that it was right that we should be there. And from that we gained an abiding strength.

We still have fearful struggles at home and abroad. We still need the unity of purpose that sustained us in 1944. Let us hope—let us pray—that we shall soon find a cause that will enlist our best efforts for our country and for man.

CHIPPING AWAY AT THE COLD WAR

Mr. CHURCH. Mr. President, I have been encouraged at the support for the Cooper-Church amendment to the Foreign Military Sales Act that has been evidenced by the Idaho press. This was not always the case. When I first spoke out in opposition to our military involvement in Vietnam 6 years ago, I stood pretty much alone. Today, this is no longer the case.

In this connection, I have read an editorial entitled "A Step Toward National Sanity" published in the June 9, 1970, issues of the Blackfoot, Idaho, News. The News correctly points out that the Cooper-Church amendment is a bipartisan one written with a purpose of withdrawing and then withholding American power in Cambodia. It makes two major generalizations—one at the beginning and one at the conclusion of the editorial—which I wish to share with my colleagues.

The News editorial begins—

Although it hasn't been labeled as such, the Church-Cooper amendment to a military appropriations bill that may come to a vote this week in the United States Senate can be interpreted as a blow to the national cold war policy to which the United States has been committed since the early 1950s.

After discussing American foreign policy and and its excesses since that time, the News sums up:

As a step toward the return of national sanity in the conduct of foreign policy, the Church-Cooper amendment to withhold funds that otherwise might permit unlimited extension of the Vietnam war into Cambodia and Laos should be approved by the United States Senate."

Mr. President, I think this is an admirable summing-up of the matter pending before us and I ask unanimous consent that the News editorial be printed in the RECORD.

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

A STEP TOWARD NATIONAL SANITY

Although it hasn't been labeled as such, the Church-Cooper amendment to a military appropriations bill that may come to a vote

this week in the United States Senate can be interpreted as a blow to the national cold war policy to which the United States has been committed since the early 1950s.

The Church-Cooper amendment would cut off military funds for use in Cambodia after June 30. It would serve to prevent enlargement of U.S. military action in the Indo-China theater, and would throw the support of the Senate behind President Nixon's stated intention to withdraw all U.S. troops from Cambodia by or before June 30.

That President Nixon does not relish the Senate's support of his commitment is beside the point.

The cold war may have been inevitable.

World War II ended with the exhaustion of all but two major power centers—the United States and the Soviet Union. Of these the United States was possessed of the greatest strength—plus the atomic bomb with its power that terrified both its possessor and those who were defenseless against it.

With the defeat of Hitler's legions in Europe, the two former allies resumed the pursuit of their national interests. The Soviet Union, which had been a pariah among other world powers and had suffered the ghastly total of 17 million war deaths as a result of the world war, remained suspicious not only of a resurgent Germany but also of its former allies.

Such suspicion is understandable if one recalls that following the Russian Revolution of 1917, armies of the United States, France and Britain moved into Russia in an effort to prevent the Bolsheviks from consolidating their power to rule Russia.

Russia, which had born the brunt of the fight against Hitler's legions and in doing so had suffered the greatest casualties among the Allies, chose to remain in the countries of eastern Europe from which their armies had driven the Germans.

What appeared to the Russians to be a prudent act of self-preservation appeared to us to be an act of naked aggression by the ruthless dictator, Joseph Stalin.

As fear mounted, the arms and nuclear race went into a spiral. We have fed our fears as the specter of an international communist conspiracy was accepted as a reality by a high proportion of our citizenry. Collectively we have accepted the proposition that communism could be stopped nowhere in the world without killing the communists.

As a result the United States has become the greatest seller of instruments of death in the history of the world. Our only test for those who have come to us for a purchase or gift of arms has been the depth of their commitment against communism. Propped up with our armament are many of the grubbiest military dictatorships, always representing the privileged classes of their nations in both the western world—such as Spain and Greece—and in the third world—such as Guatemala, the Dominican Republic, and South Vietnam.

This course of action has committed national policy in such manner that even Presidents have been unable to reverse the trend.

As a result of the witchhunting era of the 1950s that is associated with the name of Senator Joe McCarthy, the Democratic Party has reacted impulsively against the charge that it is soft on communism. (This is as unfortunate as the reaction of the Republican Party to the charge that it always brings in its wake an economic depression.)

The seeds of the policy of opposing and helping to put down any revolution of any people anywhere in the globe that appeared to be aided or abetted by communists were planted in the days of Secretary of State John Foster Dulles and Vice President Nixon.

Over-implementation of the policy by Presidents John F. Kennedy and Lyndon B. Johnson came in part from their reaction to the fear of a charge of being soft on communism.

There are indications that President Nixon is alert to the fact that a foreign policy dedicated to killing communists (along with other unfortunate members of the society within which the communist guerrillas like fish swim) is no longer a policy applauded by a majority of the American people. But memory of the role he played as advocate and architect of the cold war policy remains so strong that suspicion he will do everything in his power to extend the war on communism beyond the confines of South Vietnam remains.

As a step toward the return of national sanity in the conduct of foreign policy, the bipartisan Church-Cooper amendment to withhold funds that otherwise might permit unlimited extension of the Vietnam war into Cambodia and Laos should be approved by the United States Senate.

SUPPORT FOR COOPER-CHURCH AMENDMENT GROWS

Mr. CHURCH. Mr. President, in bits and pieces, slowly but surely, the American people are being given details of our Government's covert involvements in Southeast Asia. Thailand is one example. Laos is a second.

Recently, the Detroit, Mich., Free Press focused on our machinations in Laos. It noted that Dr. John Hannah, director of the Agency for International Development—AID—recently conceded publicly that AID has been used as a CIA-front in Laos since 1962.

That was the year the U.S. approved the Geneva Convention—

The Free Press editorial noted with asperity—

which called for the neutralization of Laos and the removal of all foreign forces.

This example—and others—the editorial concluded, is ample justification for adoption of the Cooper-Church amendment, designed to place limits on our involvement in Cambodia, including a prohibition against retaining American troops in that country.

I ask unanimous consent that the Free Press editorial be printed in the RECORD.

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

COOPER-CHURCH OPPOSITION SHOWS WHY IT'S NECESSARY

The period of presidential inscrutability is over. After five weeks of being at a loss to explain why Mr. Nixon opposed the Cooper-Church amendment in the Senate, Congress and the country have been told.

The answer not only shows why Mr. Nixon is against it, but why it remains a long way from being strong enough.

Cooper-Church, an amendment to the military authorization bill, is a mild statement which, "in concert" with the President's own promises, calls for the withdrawal of all U.S. forces from Cambodia by the end of this month. Its wording would also put severe limits on financial aid to "persons to engage in any combat activity in support of Cambodian forces."

In short, to the Thais, for one. To the Laotians, for another. And, from incessantly rumored word from Washington, to American "advisers" who have been serving with the Cambodian army since long before April 30.

It was not until this past weekend that the people found out just how far the executive department has involved us in Indochina beyond what it has been willing to admit. We are up to our eyeballs and getting deeper.

A Senate subcommittee report released Sunday disclosed that the United States, without bothering with a treaty, has been paying Thailand roughly $50 million a year since 1966 to keep 10,000 troops in Vietnam. Secretary of State Rogers also confirmed Sunday that the administration intends to finance, as well as to arm, the Thai "volunteers" who have gone to the rescue of the Lon Nol government in Cambodia. Senate GOP leader Hugh Scott said yesterday that this was indeed the reason for presidential opposition.

And, in a separate development, Dr. John Hannah, who moved from Michigan State University to become director of the Agency for International Development, admitted that his agency has been used as a front for the CIA in Laos since 1962.

That was the year the U.S. approved the Geneva Convention which called for the neutralization of Laos and the removal of all foreign forces.

Earlier this year Mr. Nixon said that the U.S. had no ground combat forces in Laos, only to have the scope of our force spelled out by James McCartney of our Washington bureau.

Clearly, Cooper-Church does not go far enough, since it limits itself to Cambodia. But it is a first step for Congress to regain its constitutional place in the war-making process.

Congressional limitations on the President's war-making powers, and senatorial limits on his treaty-making powers, are part of our old and honorable democratic traditions. The revelations from Laos, Thailand and Cambodia make it imperative that they be used.

"ADVICE AND CONSENT"—THE SENATE INSISTS UPON IT

Mr. CHURCH. Mr. President, on the day of the Senate vote on the Byrd amendment to the Cooper-Church amendment, the Washington Post asked editorially:

Is Congress about to roll over and play dead once again?

The Senate, as we know, answered in the negative later in the day when it rebuffed the Byrd amendment by a vote of 47 to 52. But the debate continues on the Cooper-Church amendment and the final vote has yet to take place.

Nevertheless, the points raised by the Post editorial remain germane.

The Post correctly interprets the Cooper-Church amendment as one in a hopeful series of actions "designed to curb unlimited executive discretion in carrying on the war."

Furthermore, the editorial stated:

Up to this point Congress has moved logically and consistently in recent months in its effort to regain control of the war power. It cannot scuttle the Cooper-Church amendment and the constructive restrictions voted in December by another Tonkin Gulf fiasco without critically undermining its own prestige and carrying our democratic system closer to the brink of unrestrained executive power. . . .

It would be a sad day for American democracy and for the cause of freedom throughout the world if the Senate should back away from this test of its mettle and say in effect that it cannot face up to the responsibilities which the founding fathers laid upon it."

I ask unanimous consent that the text of the article be printed in the RECORD.

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

THE SENATE: ADVICE OR CONSENT?

Is Congress about to roll over and play dead once again? Today the Senate is scheduled to vote on the issue of curtailing the war in Indochina, and a powerful drive has been under way, with the support of President Nixon, to issue him another invitation to make war at his own discretion. Congress did precisely that in 1964 when it passed the Tonkin Gulf resolution, which is now a source of keen regret and chagrin. Yet there is a wide-open question as to whether Congress will again fall into the same trap.

In August, 1964, President Johnson went to Congress with a distorted complaint that American destroyers in Tonkin Gulf had been wantonly attacked (although Americans fired the first shot) and a plea for open-ended support in any military action he might choose to take anywhere in Asia in defense of our unspecified interests. Congress responded overwhelmingly in the affirmative without really knowing what it was doing, and the war in Vietnam is still raging six years later. Now a new President is asking Congress not to restrict in any serious way his supposed authority to widen the war at his discretion any time he perceives a danger to American forces—which is also what President Johnson said. Is it conceivable that Congress will repeat the blunder that has caused it and the country so much anguish?

Much has happened since 1964 on Capitol Hill and elsewhere. After extended hearings before its Foreign Relations Committee the Senate posted a warning against presidential commitment of American armed forces abroad without the consent of Congress. The Symington Committee is now investigating United States commitments and security arrangements that may reflect an abuse of presidential power. And only last December, Congress voted to forbid "the introduction of American ground combat troops into Laos or Thailand." It now seems strange that Cambodia was not also included. If it had been, of course, the current escalation of the war in that country would have required congressional consent and the current controversy might not have arisen.

The question before the Senate is whether Congress will continue this series of actions designed to curb unlimited executive discretion in carrying on the war. The Cooper-Church amendment to a foreign military sales bill would deny funds for retaining American forces in Cambodia beyond July 1, for military advisers or combat air support for Cambodia and for "volunteers" supplied by other countries to fight in Cambodia. In other words, this would close the door to another Vietnam in Cambodia.

But Sen. Robert C. Byrd subsequently devised a subtle way of gutting the Cooper-Church restriction—a device which the White House then embraced. This would allow the President a free hand to take any action that he might deem necessary to protect the lives of American troops in South Vietnam and to facilitate their withdrawal from that country. In effect, this amounts to broad discretion for the President to widen the war.

The idea that the President needs such discretion to protect American troops or to maintain his constitutional prerogatives as Commander-in-Chief is a flimsy pretense. Whatever may be said of the initial invasion of the sanctuaries, if it was anywhere near as successful as the administration contends, it is difficult to conceive the circumstances under which this or similar adventures to widen the war could offer added protection to American troops—especially at a time when they are supposedly being withdrawn from Vietnam at a steady rate. Those who resort to analogy with Dunkirk, in this respect, simply don't understand what sort of a war this is—how it is fought and how contact with the enemy comes about. The fact is, of course, that withdrawal is the best protection for our men and the next best is redeployment of our forces within Vietnam to establish them as emergency reserves while transferring the brunt of the fighting back to the South Vietnamese where it has always belonged. The original Cooper-Church restriction would leave simple executive authority for security measures compatible with liquidation, rather than expansion, of our part in the conflict.

So it comes down to the simple question of whether Congress will quail at the first blast of White House propaganda about the need for an absolutely free hand to "protect our troops"—an argument which has traditionally prompted the lawmakers to run off and hide from any sharing of responsibility. Up to this point Congress has moved logically and consistently in recent months in its effort to regain control of the war power. It cannot scuttle the Cooper-Church amendment and the constructive restrictions voted in December by another Tonkin Gulf fiasco without critically undermining its own prestige and carrying our democratic system closer to the brink of unrestrained executive power. Defeat of Cooper-Church for the moment would be better than the issuance of another such blank check under the guise of the Byrd amendment.

There can be no doubt whatever as to where the actual power lies. Full control over the purse as well as the power to declare war or authorize other hostilities (beyond response to a sudden attack) is specifically assigned to Congress under the Constitution. The question is whether Congress has the courage and stamina to exercise its power to limit the scope of the war and hasten the United States withdrawal from it. It will be a sad day for American democracy and for the cause of freedom throughout the world if the Senate should back away from this test of its mettle and say in effect that it cannot face up to the responsibilities which the founding fathers laid upon it.

DEEPER INTO THE BIG MUDDY

Mr. CHURCH. Mr. President, the Boston Globe in its editorials has shown a consistent understanding of the import of the Cooper-Church amendment. As a peg for its most recent editorial, the Globe utilizes the transcript of hearings about Thailand before the Senate Subcommittee on U.S. Security Agreements and Commitments Abroad, headed by Senator SYMINGTON, my distinguished Democratic colleague from Missouri. The excerpted testimony indicates the need of the Cooper-Church amendment in order to forestall the implantation in Cambodia of the same disastrous cycle that has so bloodied the United States in Vietnam. I refer to the cycle of arms aid to a small, technologically fragile country, followed by American advisers to train the natives in the uses of the arms, and then by gunships to protect the advisers, and finally by American combat troops to protect the gunships.

So far, the Cooper-Church amendment has withstood challenges to it within the Senate. The Globe points to the problems created by the exercise of unlimited Presidential powers, which Congress can only reclaim by passage of the Cooper-Church amendment.

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:

INCH BY INCH IN THAILAND

This is the scenario for another Indochina war.

The scenario is all laid out in the record of hearings on the Kingdom of Thailand before the senate's Subcommittee on U.S. Security Agreements and Commitments Abroad.

There is a good opening scene on Page 726. The cast consists of Roland A. Paul, committee counsel; Leonard Unger, U.S. Ambassador to Thailand; and Maj. Gen. Robert L. Petit, Deputy Commander, 7–13th Air Force, Udorn, Thailand.

Mr. Paul: Turning now to the question of air defense, you referred to a joint use and air defense operations agreement. Would it be in order for us to have a copy of that agreement?

Gen. Petit: I have been instructed NOT to give you a copy. (Our emphasis.)

Mr. Paul: You have two air defense units in Thailand now with aircraft, one at Don Muang and one at Udorn.

Gen. Petit: Yes.

Mr. Paul: When were they put in the country?

Gen. Petit: I will have to find out.

(The following information was provided later by the Defense Department: The U.S. first stationed aircraft for air defense in Thailand in April 1961 at Don Muang near Bangkok and in 1966 at Udorn in Northeast Thailand.)

Mr. Paul: Could you say anything about the understanding with the Thais as far as their mission and the duration for which they are to stay in Thailand (were concerned)? . . .

Ambassador Unger: . . . The Thais were apprehensive on this question of air defense and the arrival of such units related to their concern and related also to the fact that we ourselves had increasing assets in the country and therefore had a concern about our own men and our own assets in the country. . . . The understanding is, I would say, and it is not an explicit one, but implicitly it is at most that as long as there is a serious air defense problem, that we will be there to help out on this.

Mr. Paul: I assume they were put in by a decision at the highest level in our government . . .?

Ambassador Unger: I would feel quite sure that that was true. I cannot document it right now. I was not a party to the decision, but we could research that.

(The following information was later supplied for the record: The Department of Defense has been unable to locate any single document which would constitute written authorization issued by the previous administration for the deployment of personnel and equipment to Thailand during or before 1961. However, in May of 1962 President Kennedy announced the deployment to Thailand of both air and ground elements of our military forces.)

Nowhere did the diplomat or the general tell how many U.S. airmen and how many planes were sent to Thailand in 1961. In subsequent years 10 air bases and a seaport were constructed at a cost of $709 million, largely for bombing raids in North and South Vietnam, Laos and Cambodia. Today there are 48,000 U.S. servicemen on duty at these bases.

Next on Page 728 of the testimony:

Mr. Paul: Mr. Ambassador, do the Thais consider the presence of these bases and the large American military presence there as a guarantee of our assistance to them in event of an attack from the outside?

Ambassador Unger: Mr. Counsel, I think that the Thais feels that they already have a written commitment on our part in the SEATO Treaty . . . that if there is an attack, that we will, through our constitutional processes, and so on, come to their assistance.

Earlier testimony (Page 676) involved an

inconclusive attempt to determine if the Rusk-Thanat Agreement of 1962 changed U.S. commitments to a bilateral guarantee beyond SEATO. Other testimony (Page 654) referred to a still secret U.S.-Thai Contingency Plan of 1965, revised in August of 1969 by the Thailand Prime Minister and U.S. Lt. Gen. Richard G. Stilwell, which the Thais as recently as last Tuesday say they consider an ironclad U.S. agreement to defend them.

Other testimony (Pages 771, 801–2 and 813) revealed that the Pentagon has an array of "T-Day" plans which variously call for caretaker contingents of either 200 to 400, or 600 to 800 U.S. servicemen to keep the huge U.S. airbases in a state of standby readiness after termination day of the Vietnam war.

Each of these agreements, contingency plans, or whatever they are called, was made without use of the "constitutional processes" called for under the original SEATO commitment. They are proof of the exercise of unlimited presidential powers, which Congress can only reclaim by passage of the Cooper-Church amendment.

THE SENATE BEGINS TO FIND ITSELF

Mr. CHURCH. Mr. President, those of us who seek a restoration of the role of the Senate as a coordinate body in foreign policy were heartened last week when the Cooper-Church amendment survived its most serious challenge to date. The outcome is not yet fixed, but I share the outlook of the Washington Post that the augury for the Cooper-Church amendment is a hopeful one.

The Post commented on June 14, 1970—

We think the vote is an exhilarating bid for restoration of Congress to its historic and constitutional role. Unfortunately, it is only a bid at this juncture. . . . Nevertheless, the idea of unlimited authority for the President to make war at his discretion anywhere on the globe has suffered a withering blow.

In its conclusion, the Post also expressed my feeling and that of a growing majority of the American people that acceptance of the Cooper-Church amendment by the House of Representatives, as well as the Senate—

can help not only to end the hemorrhage of our strength in Southeast Asia but also to repair the grave damage that has been done in recent wars to our system of government.

Mr. President, I ask that the Post editorial be printed in the RECORD.

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

THE SENATE COMES ALIVE AGAIN

From whatever angle it may be viewed, the Senate's no-more-Cambodias vote is a historic occasion. Supporters of President Nixon's raids upon the sanctuaries have been talking as if any congressional restraint laid upon the Commander-in-Chief would precipitate a constitutional crisis and weaken the prestige of the President in wartime. So the Senate has voted for restrictions. By doing so it has put the President on notice that it is not afraid of the issues involved, that it is tired of executive monopoly in war-making and that the Senate intends to take a hand in formulating future policies involving the lives of citizens and the national security.

We think the vote is an exhilarating bid for restoration of Congress to its historic and constitutional role. Unfortunately, it is only a bid at this juncture. Though the Senate is now expected to write the Cooper-Church amendment into the bill authorizing the sale of weapons abroad, its fate in the House and at the White House remains uncertain. Nevertheless, the idea of unlimited authority for the President to make war at his discretion anywhere on the globe has suffered a withering blow.

The student demonstrations—and a lot of less dramatic reactions from a far broader slice of our citizenry—told the President that a large segment of the country was not with him in the Cambodian venture. Now the Senate has said, by the mildest interpretation which can be put upon its action, that he must not do it again. The psychological climate thus evolving may by itself be sufficient to prevent any further widening of the war solely at the discretion of the White House. Senator Javits spoke of the Cooper-Church amendment as "an important piece in an emerging mosaic." Many other pieces remain to be fitted into place, but the step taken on Thursday is a welcome and reassuring first step.

Only those who have forgotten the basic principles written into the Constitution in regard to war see this resurgence of congressional authority as an encroachment upon the powers of the Commander-in-Chief. To remove any shadow of doubt on the subject, Majority Leader Mansfield attached an amendment to Cooper-Church indicating that it shall not "be deemed to impugn the constitutional powers of the President as Commander-in-Chief," and the Senate approved this shading 91 to 0. If this should be read to sustain the view of several recent Presidents that the Commander-in-Chief can engage the United States in war at his discretion, it would be open to the same objections that brought down the Byrd amendment. But its sponsors left no doubt that their intent was merely to give assurance that Congress was exercising its own power of the purse and not encroaching upon any legitimate executive power. The authority of the Commander-in-Chief does not embrace everything that every President may wish to do without consulting Congress.

Senator Church begged his colleagues to remember that they too have responsibilities. The Cooper-Church amendment should be judged, he said, by "whether it will help to untie the knots by which Congress has shackled its own powers." If both houses are prepared to move logically and cautiously, but also firmly, in this direction, they can help not only to end the hemorrhage of our strength in Southeast Asia but also to repair the grave damage that has been done in recent wars to our system of government.

WHO SUPPORTS PEACE?

Mr. CHURCH. Mr. President, every week our colleague from Missouri (Mr. EAGLETON) writes a column for some 150 Missouri newspapers. This week, he has focused on the question of who supports peace in Indochina.

Senator EAGLETON has posed the question in the form of a quiz, which I recommend to the Senate and ask unanimous consent that it be printed at this point in the RECORD.

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

FRANKLY SPEAKING: VIETNAM QUIZ

(By THOMAS F. EAGLETON, U.S. Senator)

A great deal has been said about the War in Indo-China since American troops were sent into Cambodia April 30. I thought it might be instructive this week to compile a little quiz in an effort to keep straight just who said what. So here goes (circle one):

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

"We present a picture of a terribly powerful, awe-inspiring nation unable to manage itself in a disciplined fashion. Our prestige is suffering abroad . . . I believe we should withdraw all of our military activities, both operational and advisory, from Southeast Asia as soon as possible."

A. Abbie Hoffman, Yippie leader.

B. William Kunstler, lawyer for the "Chicago 8".

C. Thomas J. Watson, Jr., Chairman of the Board of IBM.

2. Who said this? "We need to end the war before we can meaningfully tackle our social problems . . . We are not only absolutely opposed to the war, but also to the widening of the war. I am mystified why the President of the most powerful nation in the world can be vetoed by the President of South Vietnam on the question of moving (South Vietnamese troops) out of Cambodia."

A. Mark Rudd, SDS Leader

B. H. Rap Brown

C. Leonard Woodcock, President of the United Auto Workers Union

3. Who said this? (President Nixon's decision to enter Cambodia) "has precipitated a constitutional crisis of the most serious nature . . . Now we seem to have made a 180-degree change in direction (which) shakes the confidence of many Americans in his judgment and intentions."

A. Gus Hall, Chairman of the Communist Party in the U.S.

B. Jerry Rubin, Yippie Leader.

C. John T. Connor, Chairman of the Board of the Allied Chemical Corporation.

4. Who said this? "We love our country. We feel that it has assumed an unnecessary burden by becoming shackled by the war . . . Only by ending the war can inflation be ended. Therefore we support the Amendment to End the War (which would require all U.S. troops to be withdrawn from Indo-China by June 30, 1971)."

A. Tom Hayden, SDS Leader.

B. Stockely Carmichael.

C. Thomas E. Boyle, President of the International Chemical Workers Union.

5. Who said this? "In my judgment the war in Vietnam is a tragic national mistake . . . a collosal one. In any other context of life, when a mistake has been made—whether by a person, by a company, or by a nation—there is only one thing to do: face up to it. No amount of cover-up—rationalizing, alibiing, or ducking the facts—will avoid the inevitable day of reckoning: it only compounds the cost . . . In my judgment, it is time the people begin to call for an end to the squandering of American blood, morale and resources on what is in essence an Asian war of nationalism."

A. Dr. Spock.

B. Bobby Seale, Black Panther Leader.

C. A. W. Clausen, President, Bank of America.

The answer to each one is "C".

These statements were made, in order, by the Chairman of the Board of IBM, by the President of the United Auto Workers Union, by the Board Chairman of the Allied Chemical Corporation, by the President of the International Chemical Workers Union and by the President of the Bank of America, the largest bank in this country. Each was made in the last six weeks.

These statements were made by God-fearing, freedom-loving Americans—heads of major American businesses and unions—who oppose the continuation of an expanding and endless war which is detrimental to the land they love.

A VOICE FROM THE WEST AGAINST THE WAR

Mr. CHURCH. Mr. President, the Los Angeles Times, whose growing dismay over American policies in Southeast Asia over the years has now resulted in a forceful editorial this week which, without fudging, states in the opening sentence:

The time has come for the United States to leave Vietnam, to leave it swiftly, wholly, and without equivocation.

The editorial acknowledges that the threat of the Soviet Union is real, but that we are militarily engaged in the wrong place:

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.

I ask unanimous consent that the editorial be printed in the RECORD at this point in my remarks.

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

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 284,000 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 intentions 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 great majority of our people as an honorable conclusion to this terrible long war.

LAST WEEK'S SENATE ACTION LAUDED

Mr. CHURCH. Mr. President, editorials called to my attention have uniformly praised the vote of the Senate last week in refusing to accept the original Byrd amendment to the Cooper-Church amendment to the Foreign Military Sales Act. Editorials interpreted the action as a reassertion of the constitutional powers of the Senate in respect to war-making. I agree.

One typical comment was that of the Baltimore Sun which said:

What the Senate in majority was saying . . . was that it opposes open-end authority for a President to commit the country to large armed actions without the consent of Congress.

I ask unanimous consent that four editorials be printed in the RECORD.

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

[From the Baltimore Sun, June 14, 1970]

SENSE OF THE SENATE

The present effect of last week's vote on an amendment to the Cooper-Church proposal (which seeks to cut off funds for American military operations in Cambodia past July 1) is, or should be, to warn President Nixon against any new impulsive adventure into that country. What the Senate in majority was saying more broadly was that it opposes open-end authority for a President to commit the country to large armed actions without the consent of Congress.

The question was presented as a constitutional one, and so it is. On the one hand is the power of a President as commander-in-chief. On the other is the right and duty of Congress to have a voice in major national decisions, including decisions of war. One difficulty today is of course that the Indochina war is unlike any other we have ever waged.

As Senator Church said, "This being the first limited war in which the United States has engaged, it is altogether appropriate that the Congress share with the President the responsibility for defining the limits of our involvement." With that the majority of the Senate obviously agrees.

It also holds, as evidenced by its approval of another amendment offered by Senator Mansfield after the vote which in effect rebuffed the administration, that nothing in the Cooper-Church proposal "shall be deemed to impugn the constitutional power of the President as commander-in-chief."

In any case, Congress could not actually prevent a new move into Cambodia should the President decide on such a move. But the burden of proof of necessity would be on him in a way much more severe than was the case at the end of April.

If it is said that last week's vote was, practically, only an expression of the sense of the Senate, the expression was still a forceful one, and the administration would make a grave mistake in any failure to recognize its importance.

[From the New York Post, June 12, 1970]

THEY REMEMBERED TONKIN

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled.

"That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." (From the Tonkin Gulf Resolution, August 7, 1964.)

Nearly six years, thousands of casualties and countless bitter regrets later, the Senate has decisively rejected another deceptive declaration of war in Indochina; in doing so, it has issued its own declaration for peace.

The issue in question yesterday was the "Byrd amendment," sponsored by the senior Virginia Senator and eagerly embraced by the Nixon Administration; the section, to be added to the foreign military sales act, would have authorized the President to take whatever action he deemed necessary to protect U.S. forces in Vietnam.

The President has already taken such action without authority—from either Congress or the Constitution—by invading Cambodia; the Byrd amendment was intended to emasculate the pending Cooper-Church amendment, holding the President to his promise to pull all U.S. forces from Cambodia by June 30 and forbidding their reentry.

The Administration might have established confidence in its candor by asserting—as it did late last year in somewhat similar circumstances when Congress sought to prohibit deployment of U.S. combat troops in Laos or Thailand—that the Cooper-Church amendment was consistent with its policy. Instead, it mobilized massively for a showdown.

In that campaign, it deployed not only its regular lobbyists but a contingent of "fact-finders" hastily dispatched to the war zone. In the late stages of debate yesterday, the action became even more feverish as Sen. Byrd bid for votes with vague amendments to his own amendment.

But in the end, he was voted down by a firm 52 votes to 47 and the way is now clear for a conclusive test on Cooper-Church, and later on the comprehensive McGovern-Hatfield amendment specifying that funds for all military operations in Southeast Asia be cut off by the end of the year, with total troop withdrawal by mid-1971. The 1964 resolution has not been directly repealed—although that may still be a possibility. But it seems clear that the Senate is resolved to prevent expansion of a war that has carried the U.S. from the Gulf of Tonkin across to the Gulf of Siam.

[From the Philadelphia Inquirer, June 13, 1970]

NO BLANK CHECK

With their well remembered experience with the Tonkin Resolution, most senators were not about to be burned again by a blank-check authorization for Presidential military action in Cambodia.

The 52 to 47 vote against Senator Robert C. Byrd's amendment was thus both a rebuff to President Nixon and a reassertion of the Senate's constitutional powers.

The Senate has before it the Church-Cooper amendment forbidding the President, in the absence of congressional approval, to spend any funds after July 1 for retaining U.S. forces in Cambodia, for providing military advisers or combat air support for the Cambodians, or for financing the pay of forces from third countries going to the aid of the Cambodians.

This amendment on its face would seem merely to back up President Nixon's own commitment to U.S. troop withdrawal from Cambodia by the end of June.

Nevertheless, it was not satisfactory to the Administration; Senator Byrd acted as Nixon's field general in pressing his amendment which declared that the President could retain troops in Cambodia whenever he considered such action necessary to protect the safety of American forces in Vietnam.

Opponents of the amendment argued that it would permit Nixon to do anything he wanted in Cambodia on the grounds that he was protecting U.S. forces.

The principle they were upholding was that of the constitutional role of Congress. "We stand up now," Senator Frank Church told the Senate, "or we roll over and play dead."

As the House is unlikely to accept the Church-Cooper amendment even if it gets past the Senate—and a Nixon veto is yet another prospective obstacle—the Senate majority action may turn out to be largely symbolic. Even so, it is symbolic of something immensely important: the Senate's rejection of the blank-check theory of Presidential military authority.

[From the Philadelphia Bulletin, June 14, 1970]

THE PRESIDENT ON NOTICE

The Senate has rejected what it interpreted as an attempt to give President Nixon black check legislative authority to send American forces back into Cambodia after July 1, if he thought it necessary to protect U.S. forces in South Vietnam.

By its action, the Senate has actually done two things:

It has asserted most strongly its feeling that the war-making authority of Congress must be reestablished.

It has served notice on the President that its patience with U.S. military involvement in Southeast Asia is just about exhausted.

American disengagement in South Vietnam is Mr. Nixon's aim, too. He has already withdrawn many U.S. troops and has set a deadline for the withdrawal of another contingent of U.S. troops.

But the steady pace of American withdrawal, which had been so reassuring to the U.S. public, and which had reduced the fever of dissension over the war, was interrupted by U.S. military operations in Cambodia.

Vagueness as to continued involvement of American Asian allies in Cambodia fighting—which means U.S. involvement by proxy, with uncertain consequences as to the support that might be called for—contributes to unease.

The long debate in the Senate over the Church-Cooper amendment is not over, to be sure. The Senate has not yet approved its provisions, which deny the President authority to spend money after July 1, without congressional approval, to keep U.S. troops in Cambodia, to supply advisers or air support to Cambodian troops, or to finance other countries aiding Cambodia.

If the legislative fate of the Cooper-Church amendment is uncertain in the Senate, and even more so should it reach the House, it is also uncertain as to its impact if passed.

Its own sponsors are at pains to put on record that they do not intend to interfere with the President's constitutional powers as Commander-in-Chief. They point to emergency circumstances under which the President could still take military action in Cambodia.

But already, in rejecting language that even possibly could be interpreted as approval of future free-wheeling Presidential military action across the Cambodian border, the senators have written large on the wall their message to the Administration.

The complexities of the debate and the argument over constitutional powers aside, it seems clear that the only satisfactory answer to this bitter controversy is for the President to move more swiftly and certainly to eliminate its source.

That is by speeding the rate of American military withdrawal from South Vietnam.

DARK VIEW FROM AN ASIAN OUTLOOK

Mr. CHURCH. Mr. President, Stanley Karnow of the Washington Post is a veteran, respected Asian watcher. His dispatches over the years have been instructive and informative. In the June 15, 1970, edition of the Washington Post, Mr. Karnow takes a gloomy view toward a prospect for prompt settlement in Indochina.

Early in his article, Mr. Karnow states:

The only rational alternative to prolonged war is, of course, a political solution. But such a solution would have to be founded on compromise, and that possibility has never been more remote than it is at present.

And in a dismal concluding observation, that none of us can take pleasure in, he states:

The prospect, therefore, is that the protagonists in the Indochina drama are stubbornly going to bleed themselves dry in the belief that they cannot afford to lose a struggle that nobody can win.

I ask unanimous consent that his article be printed in the RECORD.

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

[From the Washington Post, June 15, 1970]

BOTH SIDES' PLANS INDICATE WAR WILL BE VERY LONG, FUTILE

HONG KONG.—However much they may voice their hopes for peace, both the allies and the Communists are clearly settling down to a very long war in Indochina.

For the two sides are now locked in a test of endurance in which each is convinced that time is working in its favor—even though, from any realistic point of view, neither can conceivably emerge victorious.

The only rational alternative to prolonged war is, of course, a political solution. But such a solution would have to be founded on compromise, and that possibility has never been more remote than it is at present.

Even before President Nixon sent American troops into Cambodia, the Communists had begun to phase back to a strategy of "protracted war" designed to lower the cost of their conflict in the South without abandoning their goal of gaining a share of the power in Saigon.

The bulk of evidence available here suggests that the Communists still aim to pursue this strategy, but on a battlefield that has widened to include Cambodia and Laos as well as South Vietnam.

Judging from their current moves, they are strengthening their bases in the northeastern Cambodian provinces of Rattanakiri and Mondulkiri, which adjoin South Vietnam's highland regions.

It was obviously in order to secure their supply lines into northeastern Cambodia that the Communists seized Attopeu and Saravane, towns in the nearby Laotian panhandle that they could have taken any time over the past five years.

Operating from these Cambodian bases, the Communists are likely to reinforce their control over central Vietnam and, in the process, build up pressure against the allied installations on the coast.

Moreover, darting out of their northeastern base area, they can stage hit-and-run assaults against different places in Cambodia, such as their apparently pointless attack last week on Siem Reap, near the celebrated Angkor temples.

The object of these strikes is evidently to wear out the Cambodian, South Vietnamese and Thai forces fighting in Cambodia and also to keep the shaky Phnom Penh regime on edge.

In the meantime, though they were certainly hurt by the destruction of their sanctuaries adjacent to the Mekong Delta, there is no doubt that the Communists have the capacity to seep back into that sector just as they have every time they have been driven from an area.

A significant indication that they were careful to preserve their mobility is reflected in the fact that they carried away a huge percentage of their small-arms ammunition when they fled from their Cambodian sanctuaries.

For all his talk about U.S. troop withdrawals, meanwhile, the President seems to be as committed as the Communists to waging a form of "protracted war."

His plan, which Defense Secretary Laird and other members of the administration have made plain, is to leave behind an American force of at least 200,000 men to give air and logistical support to the Saigon regime.

This force, presumably to be composed of professionals whose continued presence in Vietnam is politically acceptable at home, can effectively prevent the Communists from overrunning the country.

But, as White House communications director Herbert Klein candidly conceded on his return from Indochina the other day, the war is far from finished. "I haven't come back to state that the war is going to be over tomorrow or in the near future," he said.

A key problem facing the Communists as the conflict drags on is that their chances of attaining power may diminish, especially if the United States is prepared to maintain troops in Vietnam for years to come.

An equally difficult dilemma for the administration is whether the American economy can tolerate a drain of $12 or $13 billion per year, which is what Indochina will probably cost even after present U.S. troop levels are reduced.

The prospect, therefore, is that the protagonists in the Indochina drama are stubbornly going to bleed themselves dry in the belief that they cannot afford to lose a struggle that nobody can win.

WILL WE DO AS THE FRENCH DID?

Mr. CHURCH. Mr. President, making historical analogies is an uncertain undertaking, but may nevertheless prove useful as questing points. I refer to the ultimate action of the French Government under General De Gaulle when it finally withdrew its combat forces from Algeria, which were winning all the battles but losing the war there.

Recently, an editorial in the Chicago Sun-Times sought to apply this to our protracted involvement in Indochina. The editorial points out:

France lost not one single major engagement in Algeria. But the French lost because they fought implacable guerrillas. When they mustered the courage to realize this, they (the French) went home. Today, the allies cannot win the Indochina war militarily. Americans also must come home. Quickly.

I ask unanimous consent, Mr. President, that the Sun-Times editorial be printed in the RECORD at this point in my remarks.

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

WILL WE DO AS THE FRENCH DID?

The U.S. Senate has rejected 52 to 47 a measure which would have permitted President Nixon to order new military operations in Cambodia should he feel them necessary to protect U.S. forces in Vietnam.

Although the vote was close, it shows that a large portion of Americans, perhaps a majority, is now strongly against Mr. Nixon's war policy. The Gallup Poll elsewhere in this newspaper today states that most of those questioned want all U.S. forces out of Vietnam by July, 1971. The poll was taken after the Cambodian invasion. When Gallup asked the same question before the invasion there was a 50–50 split in opinion.

We do not believe that just because the U.S. is a representatve democracy the President should govern by or in response to polls. But the Senate vote and indications such as the Gallup Poll must suggest to Mr. Nixon, as they do to us, that the Cambodia invasion has caused deep foreboding among Americans. They worry whether Mr. Nixon will make good his promise to get out of Indochina's political and ethnic quarrels.

Now the Cambodian government has let it be known it will not contest the enemy in the very area where the allies have been fighting since their invasion. In other words, if Mr. Nixon honors his promise to withdraw Americans by June 30, then (even if South Vietnamese stay) the area—half of Cambodia—will be Communist dominated. The enemy is not fighting for territory, he is fighting for allegiances. He usually retreats when strongly attacked but he inevitably returns.

No amount of rhetoric can alter the fact that the allies are losing the Indochina war. The affair is lost because in guerrilla warfare you lose if you don't win. And if you are the guerrilla insurgent you win if you don't lose.

France lost not one single major engagement in Algeria. But the French lost because they fought implacable guerrillas. When they mustered the courage to realize this, they went home. Today the allies cannot win the Indochina war militarily. Americans also must come home. Quickly.

THE HEALING OF DIVISIVENESS IN AMERICA

Mr. CHURCH. Mr. President, on May 24, Jerry M. Brady, assistant to the director of the Peace Corps, delivered a commencement address at Skyline High School in Idaho Falls, Idaho, which, in these days of loud rhetoric and violent confrontation, pleads for a new commitment to end the divisiveness which now plagues our country.

Jerry Brady, who served for several years as my legislative assistant, is a brilliant young man who recognizes that if America is to be made whole again, we must begin to talk to one another, to reach out across the chasm which separates us from others to find mutual understanding and respect.

I commend this speech to the Senate, Mr. President, and ask unanimous consent that it be printed at this point in the RECORD.

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

MENDERS, WORKERS, AND LOVERS*

The scene before me today is familiar because 16 years ago I sat where you now sit waiting as you now wait to begin a new portion of my life. As I thought about that occasion recently I wondered where all my classmates had gone. From a booklet published for our ten year reunion I found that less than 25% of my class now lives here, in the Idaho Falls area, and that less than 40% live in Idaho. With the changing times and economic circumstance I know too that ten years from now perhaps only ten or fifteen percent of your class will still live here.

That is one reason the tears of pride among those who love you are today mingled with the tears of sorrow: they know you are outward bound, probably a long way out. They know you will find adventure and professional advancement, but they also know that in the next restless decade you will know many houses before you know a home of your own and that the low weekend rates of A.T.&T. may be your most enduring links with family.

I have traveled that road, over several hundred thousand miles and a dozen different stops along the way and I would like to talk about what it means when those of us from the small towns migrated to urban America—the core of values developed here which have served us well, and the changes that have come over us, perhaps without our notice. I would like to talk about mobility and values; it would be a satisfying talk for me and a safe one for you. But this is the 24th day of May, 1970, and such satisfying and safe topics seem sadly out of place.

Three weeks ago, on a grassy hill in Ohio, four students, not far different from yourself, died. A few days later six more young Americans were shot in the back in Augusta,

*An address by Jerry M. Brady, Assistant to the Director, Peace Corps At Baccalaureate Exercises, Skyline High School, Idaho Falls, Idaho, May 24, 1970

Georgia. Two days later 140 bullets perforated a college dormitory in Mississippi . . . and two more died. And in none of these cases has it yet been demonstrated that those who pulled the trigger had been fired upon first.

Suddenly the war has swerved back into the jungle, just when we thought we were in the clear. Until then three-fourths of the college campuses had already been disrupted by demonstrations of some kind. After Cambodia and Kent State, education came to a virtual standstill on the major campuses. Now a strange and dangerous minority has turned up the amplifier on the language of revolution—and it is beginning to gather an audience. At the same time the cry is building among many Americans to strike back, to smash the challengers. We hear about polarization and alienation and see it all around us. We hear about a generation gap and find it in our midst.

There is a genuine movement away from many of the tenets of American culture held by the adult majority, a movement which affects in one way or another most of those under 22 today. Its rallying cry may not be the famous statement, "Never trust anyone over 30", but it is short on appreciation for its elders. The language of the movement is Rock and one song, by Crosby, Stills, Nash and Young, is perhaps one of the more generous statements of the generation gap. It is addressed to young adults like yourself and it says:

"Teach your parents well
Their children's hell
And feed them on your dreams
The ones they fix
The ones you go by
Don't ever ask them why
If they told you, you'd surely cry
So just look at them and sigh
And know they love you."

The over-thirty world views the youth movement at least with bewilderment and often with deep distrust and fear. They cannot understand the dress, the morals, the ideology. Although they are sure we must be talking about "someone else's kids," some heretical idea, some forbidden conduct, keeps turning up suspiciously close to home. Beneath the calm assurance that it cannot happen here is the hidden uncertainty that it could and might. As if in defense, one generation gathers round its cherished traditions even more tightly, like a wagon train under attack.

Is this not still a good and great country, they ask? Do we not enjoy more freedom and opportunity than nearly anywhere else in the world? Our achievements are immense; our economy will soon reach a gross national product of a trillion dollars despite recession, and the benefits of that economy will be distributed to more people, more generously, than anywhere on earth.

But your immediate predecessors into the adult world do not see it that way. They see the gross national by-product—the pollution, the urban sprawl, the whole neglect of society. Where the majority see the successful multitude, many young adults see only the unsuccessful casualties—the humans left behind by the shift from farm to city, the poor, the illiterate, the migrant, the hungry, all of whom have been turned out of our consciousness, much as we switch channels on the television. Where some see the triumph of technology, they see the triumph of a materialism empty of spiritual values.

The truth is that young adults today are the first generation of Americans who see the world darkly. They do not all share a pride in the American Achievement, they do not view progress as inevitable or even desirable as it has come to be defined. For many the pioneer tradition with all its courage and heartache, the patient process by which ethnic and religious minorities worked themselves into acceptance and economic safety, the waging and winning of just wars is mostly forgotten. It is hard to realize how few years separate this generation from my own which couldn't jump into the Establishment quickly enough.

To be sure I am speaking of a minority. At the heart of today's discontented young adults are those who were born either very rich or very poor and they are few in number. And it is even more true to say that those who spring from the traditions of this valley are least likely to diverge from the values of their forefathers.

But that is small comfort to those who need comforting. It is clear that it is a minority in leadership which sets the tone for the rest. It is the most energetic and committed whose influence is remembered beyond their time.

No matter how it is building up or how many are involved, it is clear that a deep division is growing. The great melting pot, the land that survived the Civil War, the No-Nothings, the Ku Klux Klan, and the Depression,—that America is choosing up sides. The clash on Wall Street two weeks ago between construction workers and radical students represents only the first physical expression of the division between classes and generations.

These divisions exist even within the youngest generation, most notably between those who are privileged to go to college and those who are not, between those who fight wars and those who escape.

Perhaps the biggest division of all is between the rich and middle class who *are* getting richer, and the poor who *are* getting comparatively poorer. The division is not just economic, it is spiritual and psychological.

When America lived in small towns, we could understand poverty and maybe even lend a hand. Today we cannot even imagine what it is like to be poor, really poor, living on one meal of beans a day in the Mississippi Delta. We ride by the Fort Hall Indian Reservation today at 70 miles per hour where before we at least had to go slow enough to see a few tarpaper shacks and know that life was pretty tough for someone in there.

Life in America has gotten grooved into tracks. If you are middle-class, white, a high school graduate and you stay on the track you will earn perhaps a half million dollars in your lifetime, another quarter to a half million if you graduate from college, and you've got a ride on some big corporation or government boat which will sail you safely through life. You will have a nice house in a good, safe neighborhood and a good car or two. You won't have to even think about the poor. And that's how the spiritual division, the complete lack of understanding develops. That is how we become not one nation but two, one rich and one poor.

Not all of our problems can be thought of in terms of division. There is the growing tolerance of violence which is widespread, although no one admits to it personally. Think back to the initial reaction to the massacre at My Lai—if there was any reaction. Wasn't there a feeling that the significance of the slaughter was being exaggerated because the victims were miles away, strangers, and of suspicious loyalty? I remember the reaction among good people in this state when Martin Luther King was killed: too bad, but it doesn't matter; he had it coming.

In times of division the condoning of violence can be all the more dangerous. Consider these words written by a distinguished American, head of the Urban Coalition and former Secretary of Health, Education, and Welfare, John Gardner. He has written:

"One might suppose that as extremists become increasingly inflammatory, moderates would close ranks and oppose them. But just the opposite is occurring, the moderates begin to take sides against one another. We all become a little readier to grow angry, a little readier to identify villains, a little readier to resort to violence ourselves.

"Most of the moderates have a secret complicity in the activities of the extremists. The moderate conservative does not explicitly approve of police brutality, but something in him is not unpleased when the billy club comes down on the head of a long-haired student. The liberal does not endorse violence by the extreme left; but he may take extreme pleasure in such action when it discomforts those in authority.

"In short, extremists often enjoy tacit support from the moderates nearest to them. Thus does a society tear itself apart."

Even if we are not taking secret satisfaction in violence, many of us are becoming a little more righteous.

I remember one of the many quotations which a teacher at your rival high school used to put up on her bulletin board. It was the motto of a prison newspaper which read: "All of us are good for something. We can at least serve as a bad example." Well, today there are enough bad examples to make everyone feel good by comparison to whatever they don't like. The modern version of the parable of the Publican and the Pharisee is the one which ends, "I thank you, Lord, that I am not like him, a Hippie." Or, "I thank you, Lord, that I am not like him, conservative." This increase in righteousness only fuels the division between groups of Americans.

Accustomed as we are to thinking everything will work out, many people think the current turmoil is a nightmare which will be forgotten when the war is over. I remember when I was a few years younger than you, the country had managed to scare itself into believing the Russians were coming, or so it seemed to a boy of 14 or so. And I imagined the knock at the door, and a gun battle through the apple trees and then escape to the Salmon River where we'd hold out 'till the end. And then there was the civil defense period when I took comfort from someone's conclusion that the Russians didn't put a high priority on the NRTS and all we would have to do was go to a concrete spud cellar and eat potatoes until the fallout from the coast blew over. None of those catastrophies occurred and my generation is understandably skeptical when someone calls "Wolf, wolf" one more time.

But this time the problem is internal, not external, complex, not simple, and deeply rooted in the American character. A bloody nose for the Easy Rider crowd won't solve the problem; a spanking for the Spock generation isn't the simple solution. Nor is it as easy as a popular song which goes, "Everybody get together and love one another right now." It may be difficult to acknowledge that without patience, generosity of spirit and concern by a large number of Americans, this country *could* tear itself apart.

There is a point at which the chasm between peoples becomes so wide that they can no longer even yell across it, but only hurl destruction. And then history tells us that forces take on an inexorable life of their own, playing out their anger until anger is totally spent only in the ashes of ruin. As one American observer once remarked, "If America ever dies, it will die a suicide."

We could be in for a long and sad chunk of history. The war *will* end and that will help. But it will probably not end abruptly or gloriously and that will not help. There may follow an era of recrimination, blame-fixing and bewilderment.

The madmen who talk revolution could bring on a counter-revolution. They are playing in a fantasy world, talking about grievances which are not shared by the majority of Americans. It is the poor and neglected—and the young who must fight the war—who are most aggrieved . . . and they are a small minority. With more provocation the majority will demand and get oppression.

And that brings us down to you—you under the tassle and square hat.

I have grown tired of speakers who address a small group as if they were the world and say "If this generation would only do this or that . . . we would be all right." As if they could. Let us acknowledge that we are only a few in number and we cannot change the world.

But you must be careful of the cop-out. You have heard the line about how the war or poverty is somebody else's business—somebody up there in power. I don't think you buy it. But the other cop-out is the one that goes "Yes, these problems are my responsibility but as one person I can do nothing."

Well, there is a slogan out of the civil rights movement which seems appropriate. "If you're not part of the solution, you're part of the problem." I suggest that each of us try to sum up the solution in ourselves—that we strive to do what is right, although the rest of the world may be wrong.

And what does that mean . . . to you?

This country will mend itself when enough people care about mending it. You must be a mender, a healer. The appeal of the madmen will go away when this country faces up to legitimate grievances and does something about them. You must be a worker. This country will emerge strong again when it has a set of values which combine the best of the new and the old. That I suggest, will require that you be a lover.

To be a mender means you must understand both parts that are broken, both sides of an argument. That requires a magnanimity of spirit which is rare. There is this righteousness which keeps telling us how good we are by comparison to someone unlike us. The mender puts that aside and he reaches out across the miles and the cultural gaps to understand. He does not shun those who are different, even though it may take a great act of will to do otherwise.

And the mender *wants* things to work out. He takes no secret pleasure in how bad things are. Perhaps it is a little like faith healing: you have to start by *wanting*, almost craving, solutions to legitimate problems and a return to domestic tranquillity.

I think the vast majority of Americans, including the young adults, still want to heal this society. They still want to understand each other. You have seen dozens of pictures of students and police meeting in anger, but I see other images. Time and again during the November Moratorium and again two weeks ago when thousands more gathered in Washington for the Cambodia protest, I saw the protesters go out of their way to be thoughtful to the police, to thank them for keeping order. The police in return showed impartiality and respect. Where time and place permitted you could see little knots of students and police earnestly discussing Cambodia in mutual respect.

Like you I heard the words of anger from the speakers massed behind the President's house two weeks ago and I heard the cheers. But—from being there—I did not sense a solidarity with anger among the majority. For many this was their first protest and they felt uneasy.

We hear the Chief Justice of the Supreme Court warning that we must not "smash the challengers and restore tight discipline . . . by suspending fundamental guarantees or taking shortcuts as a matter of self protection."

The menders of society are at large today. If you choose to join them you will not be without company.

If you choose to be a worker you will be saying "I am going to try to do my part for somebody else but me. I am going to act." And again you will not be alone.

There are already several million people out in front of you who are seriously committed to peaceful social change. A quarter million students today tutor disadvantaged children after school. Another quarter million are in social action of other kinds. Forty thousand Americans have already served in the Peace Corps for two years. Of today's law school graduates, one out of 17 go into legal aid for the poor. Law and business school graduates today ask firms and businesses what they are doing for society—and then go in the ones that are doing the most. Hundreds of young adults are helping Ralph Nader hold the government accountable to the people.

All this is a profound change for the good over a few years ago. What is happening is that young Americans aren't living by the script someone wrote for them. They are getting out of the grooves, they are taking detours from the straight line to success.

Perhaps it all started with the Peace Corps. Nine years ago a large number of people were saying it would never work. Friends and parents gave sensible advice about careers and how America was the place to be. So, with this advice clearly in mind, about 10,000 people, young and old, promptly forgot it. They went overseas and lost their place in line at home. And this odd thing happened; they loved it. They got hooked on helping others. When they came home everyone said, "That was nice. Now, General Motors, right?" Wrong. Most of them went back to school to get more education to make a bigger contribution at home.

This impractical idea seems to have infected others. A lot of people *aren't* waiting for someone else to tidy up the world. They have dried their tears and are getting on with it. When it comes to social action they are not satisfied with Christmas baskets or a set of swings sent out to the migrant camp. The days of paternalism are over. Perhaps these Americans are summed up by a group of people in New York who work to develop small businesses among the blacks and Puerto Ricans who are poor. When they got down to choosing a name they called themselves the Give a Damn Foundation. And that attitude is shared by a lot of people in this country.

Albert Schweitzer had those people in mind when he addressed a class such as your own. He said:

"I do not know what your destiny will be but one thing I do know, the ones among you who will be really happy are those who have sought and found how to serve."

Finally, I have said that you must be a lover and with all the perversion of the meaning of that word I had better hasten to tell you what I mean.

We see an interesting thing in the Peace Corps. People go overseas to learn about another country and they come back knowing more about their own. They see some remarkable things about this country, for example, the personal generosity of Americans, the popular participation in government, the fact that we like to solve problems before the government can get to them. And they also see some disturbing things: our materialism, our easy accommodation with violence, the impersonal nature of human relations, the fact that Americans who have everything somehow don't seem to enjoy life as much as Africans or Latin Americans who have nothing.

And that's one of the great things that is going on now. Beneath the turmoil there is a realignment of values going on among the youngest adult Americans which is generally healthy. Somehow, in their own way, the students of today are trying to put people ahead of things. Money and states count for less. Hypocrisy is the greatest sin, honesty the greatest virtue. Human life is valued dearly and the idea of a "good war" isn't exactly catching on.

It is true that we have gotten hooked on affluence and that as a people we have moved away from the human values, the values of the spirit. There is a need for a cleansing, a return to the basics, to slow down and listen to nature and to each other. One of the reasons the ecology movement has grown so swiftly is not only because of concern for wildlife and growing things but because of a widespread dissatisfaction with some aspects of modern life. There must and there will emerge a new value system and a new style of life.

Yet between the old and the new—the old testament, the new testament and the gospel according to Peanuts—there is one constant that people keep searching for in their value system, and that is love. I scarcely want to mention the word. Not because the sensualities have run away with it but because we are all so uneasy talking about love. Its an embarrassment because we don't know what to do next. And I don't either.

I only know we must somehow seek to find love in our relationships with those close at hand and that it means respect for people as they are. And we must somehow love people thousands of miles away—black, white, red, yellow, friend or foe, near or far, old or young. Disagree and still respect each other. Across the boundaries of space and culture and circumstances we must say " I love you."

Perhaps if I knew how to do that and I told you, I would be doing you a disservice. People don't tell others what to do so much any more and get away with it. Its your life. You alone can find what fits for you best. You alone can decide how much you will be a mender, a worker, a lover, and how you'll do it.

I would add only one more thing, you've got to love. There is this song by the poet laureates of the generation just ahead of you, Simon and Garfunkel, which has a bit of a message. It goes "May the heavens drop all their petals on me. Life I love you. All is groovy." May life love you even as God has blessed you. May you love life and thank God for life. Enjoy it. And "Give a Damn!"

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

S. 3976—INTRODUCTION OF THE FIRST AMENDMENT FREEDOMS ACT

Mr. HRUSKA. Mr. President, I send to the desk a bill that would make it unlawful to interfere in any way with any person's constitutional exercise of his first amendment right of religion, speech, press, assembly, and petition. The bill confers original jurisdiction upon the U.S. district courts to grant appropriate civil relief in order to insure these guarantees.

The PRESIDING OFFICER (Mr. HANSEN). The bill will be received and appropriately referred.

The bill (S. 3976) to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition, introduced by Mr. HRUSKA (for himself and Mr. HART), was received, read twice by its title, and referred to the Committee on the Judiciary.

THE VIOLENCE COMMISSION

Mr. HRUSKA. This legislative proposal originated with the National Commission on the Causes and Prevention of Violence. I am joined today on this bill by the Senator from Michigan (Mr. HART). We served together on the Commission. The Commission recommended enactment of legislation to "confer juris-

diction upon the United States District Courts to grant injunctions, upon the request of the Attorney General or private persons, against the threatened or actual interference by any person, whether or not under color of State or Federal law, with the rights of individuals or groups to freedom of speech, freedom of the press, peaceful assembly, and petition for the redress of grievances." The Commission, in its report to President Nixon, categorically condemned all illegal violence, including group violence, as being incompatible with the survival of our democratic society. At the same time, we felt it is very important to insure that all parties are able to exercise their constitutional rights.

A BALANCED SOCIETY

Dissent is a very precious right. It is unfortunate indeed that too often peaceful protest degenerates into needless violence and destruction. This cannot and must not be tolerated. As Attorney General John Mitchell said in a speech to the Tennessee Bar Association, delivered just 1 year ago:

> The right to express disagreement of the acts of constituted authority is one of our fundamental freedoms. The first amendment expressly protects the freedom of speech, and of the press and of the right of the people to assemble and petition the government for a redress of grievances.

The Attorney General went on to say that the Supreme Court has set limits beyond which dissent may not go and that it is "clear that students do not enjoy any special prerogative to interfere with the rights of other students."

What we seek to do with this bill is to insure that all citizens, not just those who dissent, are guaranteed their constitutional rights. While it is the protester who receives the most publicity and attention, many other persons are affected by his actions.

When a picketer or heckler tries to disrupt a public speech by an official of the Government, does not the speaker have a right to be heard? Does not the audience have a right to gather and participate in the exchange of ideas? Does not the student who contracts with a University for an education have a right to receive that education? The answer to all of these questions, of course, is yes. The Constitution is designed for all of our citizens, and not just the disenchanted.

We feel this bill provides a procedure for the maintenance of that delicate balance which permits the disenchanted to meet and protest peacefully, but allows others, when the protest becomes disruptive, to seek redress if they choose.

UNLAWFUL ACTS

The bill makes it unlawful generally for any person or group to interfere, either by physical force, by disruptive noise, or by the unreasonable withholding of any required permit or license, with the orderly conduct of any gathering, or the conduct of business or research, in any street, building or other place incidental to the exercise of one's first amendment rights. The bill also prohibits interference with the exercise of a person's first amendment rights.

The injured party may bring a civil action in the U.S. district courts for appropriate relief. The court, at the same time, may grant as relief, a permanent or temporary injunction, temporary restraining order and may even award damages.

ATTORNEY GENERAL HAS JURISDICTION

One very important feature of this bill is that the Attorney General of the United States, when he has reasonable cause to believe that any person or group is engaged in a pattern or practice of resistence to the enjoyment of any of the rights secured by this act, may bring a civil action requesting preventive relief. This is to insure the full enjoyment of one's rights of free speech, press, assembly, and religion.

Moreover, when it becomes known to the Attorney General that a confrontation may take place, the bill authorizes him to send representatives of the community relations service to help to resolve these disputes and stop the violence before it begins.

Mr. President, this bill is a positive constructive move so insure that our society will be preserved, that its citizens continue to enjoy the benefits of living in a free democracy, and are always able to express their points of view without interference. Mr. President, I ask that this bill be appropriately referred and that it receive the prompt attention of the Judiciary Committee. I also ask unanimous consent that the text of the bill be printed following my remarks and that a memorandum citing legal authority for the proposal also be inserted in the RECORD.

The PRESIDING OFFICER. Without objection, the bill and the memorandum will be printed in the RECORD, in accordance with the Senator's request.

The bill (S. 3976) is as follows:

S. 3976

A bill to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "First Amendments Freedom Act".

CERTAIN CONDUCT UNLAWFUL

SEC. 2. It shall be unlawful for any person or group, except as authorized by law, to interfere, either willfully by the use of physical force, by the use of disruptive noise with specific intent to interfere, or by the unreasonable withholding or limitation under color of Federal or State Law of any required permit, license, or other permission—

(1) with the orderly conduct of any meeting, address, discussion, worship, or other assembly, or with the free passage of persons or the conduct of business or research in any street, building, or other place incidental to the exercise of the constitutional rights of religion, speech, press, assembly, or petition; or

(2) with the exercise by any person or group, by demonstration, picketing, publication, or other means, of the rights of free speech, free press, peaceable assembly, or petition to the Government for redress of grievances.

ENFORCEMENT BY PERSONS AGGRIEVED

SEC. 3. (a) Any individual, group, institution, or other public or private person who claims to have been injured, or who believes that he will be irreparably injured, by conduct in violation of section 2 of this Act, may bring a civil action for appropriate relief.

(b) The United States district courts shall have original jurisdiction of civil actions under this Act. A civil action under this Act may be brought without regard to the amount in controversy in the United States district court for the district in which the unlawful conduct is alleged to have occurred or to be about to occur.

(c) In any civil action under this Act, the district court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award damages together with court costs.

(d) Upon timely application in any civil action under this Act brought in a United States district court, the court shall permit the Attorney General to intervene if he certifies that the case is of general public importance.

ENFORCEMENT BY THE ATTORNEY GENERAL

SEC. 4. Whenever the Attorney General has reasonable cause to believe that any person or group is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this Act, or that any group has been or is about to be denied any of the rights secured by this Act and such denial raises an issue of general public importance, he may bring a civil action in any appropriate United States district court by filing a complaint setting forth the facts and requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or persons responsible for such pattern or practice, or denial or threatened denial of rights, as he deems necessary to insure the full enjoyment of the rights secured by this Act.

MEDIATION BY THE COMMUNITY RELATIONS SERVICE

SEC. 5. In addition to its other functions specified in title X of the Civil Rights Act of 1964 (42 U.S.C., ch. 21, subch. VIII), the Community Relations Service shall, in the manner provided by law, assist States, localities, public and private agencies or institutions, and persons or groups of persons in resolving disputes, disagreements, or difficulties relating to conduct prohibited by section 2 of this Act.

EFFECT OF STATE LAWS

SEC. 6. Nothing in this Act shall be construed to invalidate or limit any law of a State or political subdivision of a State, or of any other jurisdiction in which this title shall be effective, that grants, guarantees, or protects the same rights as are secured by this Act.

The memorandum, presented by Mr. HRUSKA, is as follows:

MEMORANDUM RE FIRST AMENDMENT FREEDOMS ACT

EXISTING FEDERAL LAW

The most nearly effective federal remedy available today for forcible interference with First Amendment rights is a court injunction under 42 U.S.C. 1983, a Reconstruction era statute creating liability for "deprivation of any rights, privileges, or immunities secured by the Constitution and laws" by any person "under color of" state law. In the landmark case of *Hague* v. *CIO*, 307 U.S. 496 (1939), the Supreme Court upheld under Section 1983 a federal district court injunction against an antiunion campaign involving interference with free speech and assembly by the Mayor, Police Chief and other officials of Jersey City, New Jersey.

But Section 1983 does not specifically enumerate and define the First Amendment freedoms to be protected or the kinds of interference against which they are pro-

tected. It does not, in the First Amendment context, adequately establish the right to relief from threatened violations as opposed to violations that are already in progress. It does not provide for investigation, mediation and enforcement by federal officials.[1] Most importantly, in instances in which *private* individuals and groups—not public officials—obstruct free speech, peaceful assembly and petition, such conduct cannot be reached under Section 1983, since the interfering individuals are not acting under color of law.

EXISTING STATE LAW

Some remedies against private misconduct that interferes with First Amendment rights may be available in state courts, based on state trespass statutes or disorderly conduct ordinances. However, such measures were not written to deal with acts of physical obstruction, particularly those committed for demonstrative purposes, and are relatively ineffective in handling such conduct. Moreover, where acts of violence or obstruction are sought to be justified as necessary to right fundamental grievances or exercise fundamental rights, those engaging in such conduct may find it easy to rationalize their disobedience of court orders based upon property rights or disorderly conduct ordinances. By contrast, it will be difficult for any but the most alienated to believe that the urgency of his cause rises higher than his obligation to obey a judicial order stemming from the mandate of the First Amendment to the Federal Constitution.

PRECEDENT OF RECENT CIVIL RIGHTS LAWS

The civil rights acts of recent years provide specific federal remedies for private interference with other constitutional rights, such as the right to employment, housing, travel and use of public accommodations and commercial establishments free of discrimination because of race, religion or national origin, the right to vote and participate in any federally assisted program, and the right to carry on a business free of intimidation or injury during a riot or civil disorder. It would appear to be an equally valid[2] and justified exercise of Congressional power to provide a federal judicial remedy for improper interference with the rights of speech, assembly, petition, religion and free passage incidental thereto.

ROLE OF THE FEDERAL COURTS

Because they often deal with somewhat comparable provisions in other areas of federal law, federal district courts are experienced in handling requests for injunctions expeditiously and fashioning careful and effective decrees. Federal marshals are generally well trained and well disciplined; if court orders are to be enforced by federal marshals rather than local police or sheriffs, as is the case with respect to state court orders, those aggrieved may be less reluctant to seek injunctions where appropriate and request enforcement where necessary. The use of federal court injunctions would provide for greater uniformity in the treatment of disorders and increase the likelihood that the experience of one community or institution would be readily available and useful in handling subsequent problems in others. Furthermore, it is likely that federal law and federal authority will in some situations be more respected and more readily obeyed.

ROLE OF THE FEDERAL GOVERNMENT

Perhaps most important is the delineation of a new, active federal role in preserving the freedom of expression which is protected by the federal constitution. In recent civil rights and voting rights legislation, Congress has made the Attorney General an increasingly active figure in protecting certain vital individual rights. This approach seems particularly appropriate for the protection of First Amendment rights, since the mechanism of peaceful dispute, debate, compromise and change is essential to the preservation of a just society.

If the Attorney General were given authority to commence or intervene in civil actions to protect freedom of expression, the Justice Department would automatically have the authority to investigate alleged interference with First Amendment rights. The Department would become a powerful force seeking immediate, informal resolution of potential confrontations involving freedom of expression. This mediating role would be strengthened by empowering the Department's Community Relations Service to perform the same peace-making function which it now effectively performs in the field of disputes related to racial discrimination. Where confrontation appears inevitable, the Department would be able to resort to the courts promptly, provide essential factual material and help in other ways to make the courts an effective forum for resolving First Amendment conflicts. These activities of the Department would establish the ground rules for debate, dissent and demonstration and thus create a body of First Amendment law that would be in large measure self-enforcing through voluntary compliance, just as the recent civil rights acts have been.

Mr. HART. Mr. President, I thank the Senator from Nebraska for introducing the bill he has just described in behalf of himself and me. As he has indicated, this is the legislative language which we believe responds to and adopts the recommendation made by the Commission on the Causes and Prevention of Violence. The Senator from Nebraska and I were privileged to serve on that commission under the very distinguished chairmanship of Dr. Milton Eisenhower.

Today the two able Members of the House of Representatives who also served on that Commission, the ranking minority member on the House Committee on the Judiciary, Mr. McCULLOCH, and the assistant House majority leader, the able Representative from Louisiana, Mr. BOGGS, introduced an identical measure in the House of Representatives.

Immediately prior to the opening of the session of Congress today, a meeting with the press was held wherein the sponsors of the bill on the Senate and the House sides outlined its features and responded to questions. I ask unanimous consent that the press release which was the basis for our press conference today be printed in the RECORD at this point, because I think it summarizes the measure in a fashion perhaps less formal than either the Senator from Nebraska or I would adopt if we were describing the bill for the RECORD.

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

NEWS RELEASE

WASHINGTON.—The four Congressional members of the National Commission on the Causes and Prevention of Violence today proposed legislation that would allow federal court action against anyone interfering with a citizen's right of free speech.

The bill's construction, its sponsors said, would favor no political philosophy or faction.

It could be used against police who seize newsmen's cameras or film. It could also be used against anyone planning or trying to drown out a scheduled speaker.

The sponsors said the bill was not aimed specifically at campuses but college administrators could use it against students who seize buildings and shut down classes. However, it would also apply if a college administration tried to bar a peaceful, orderly demonstration by students.

The four members of Congress are Representatives Hale Boggs (D-La) and William M. McCulloch (R-Ohio) and Senators Roman L. Hruska (R-Neb) and Philip A. Hart (D-Mich).

The four, representing a wide spectrum of political thought, said that the bill would authorize federal court injunctions and damage suits against both officials and private interference with the exercise of First Amendment rights.

They gave much of the credit for the idea to Dr. Milton Eisenhower, who chaired the National Commission until it delivered its final report last December.

In a joint statement, the bill's sponsors said:

"To our surprise, the commission members found that in our extensive compendium of federal civil rights law, there is only a century-old statute that deals in a limited and inadequate way with official denials of First Amendment rights. And there is no statute whatsoever dealing with private denials of those rights.

"And yet rights of speech, religion and assembly are being constantly violated in this nation.

"Public officials unreasonably prevent or stop meetings. Advocates of particular cases hoot opposing speakers off platforms.

"Protesters seize buildings and prevent instructors from teaching. Excessive force against campus demonstrations is not uncommon. Political dissenters break up church services.

"And recently we have even witnessed groups of demonstrators attacking opposing demonstrators.

"The First Amendment is one of our most cherished statutes. It must not be allowed to erode this way."

The bill, called the "First Amendment Freedoms Act," will be introduced simultaneously in the House and Senate.

Applicable state remedies in free speech cases, the National Commission report points

---

[1] The relationship between § 1983 and the proposed First Amendment Freedoms Act is closely analogous to that which exists between § 1982 (giving all citizens equal rights to buy and sell property) and Fair Housing Title of the Civil Rights Act of 1968. As the Supreme Court noted in *Jones* v. *Mayer Co.*, 392 U.S. 409, 415 (1968), the existence of the older statute did not " 'eliminate the need for congressional action' to spell out 'responsibility on the part of the federal government to enforce the rights it protects.' "

[2] Some civil rights laws of the Reconstruction period were worded to prohibit any interference with constitutional rights, but were construed by the Supreme Court to apply to official action only. The recent civil rights statutes deal primarily with official action and with certain types of private interference that can be reached under the Commerce Clause. The 1968 Act, however, bars private interference by force or intimidation with the right to vote or to participate in various federal or state benefits. 18 U.S.C. 245. In enacting this provision, Congress relied on the concurring opinions of Justices Clark and Brennan (concurred in by a total of six members of the Court) in *Guest* v. *United States*, 383 U.S. 745 (1966), expressly confirming the right of Congress to legislate against private interference with the exercise of constitutionally protected rights. Senate Report No. 721, 90th Cong., 2d Sess. (1968). And see the discussion of the *Guest* opinions in *Adickes* v. *S. H. Kress & Co.*, U.S. Law Week 4434, 4450–51 (June 2, 1970) (Brennan, J., concurring). Moreover, the institutions and individuals exercising such rights probably have an adequate relationship with interstate commerce to support Congressional action under the Commerce Clause.

out, are usually based not on the First Amendment but on trespass statutes or disorderly conduct ordinances.

Such laws were not written to deal with acts of physical obstruction, particularly those committed as acts of protest, and are not always effective in handling such conduct, according to the report.

Under the proposed act, the Justice Department would be authorized to intervene once a federal injunction was asked.

In serious cases, the sponsors say, the Department could become a powerful mediating force seeking informal resolutions of threatened confrontations.

Both Hart and Hruska are members of the Senate Judiciary Committee, to which the bill would normally be referred.

Congressman McCulloch is the senior Republican member of the House Judiciary Committee. Congressman Boggs is Majority Whip of the House.

Mr. HART. Mr. President, the statute, as I say, implements a unanimous recommendation by the National Commission. The commission spent months of careful study.

We propose the bill as one urgently needed in response to the violent clashes besetting our communities and our campuses. We seek to balance the competing claims for the public ear by recognizing that it is as wrong for one who seeks to bring peace to Vietnam to throw a firebomb in the university president's office as it is for one who is given a badge and a gun to abuse students who seek peacefully to assemble to protest Vietnam.

Private citizens, determined to impose their views or program, have forcefully volated the first amendment rights of those they oppose. They have interfered with lectures, meetings, marches, indeed with religious services in houses of worship. In other instances, public officials have harassed lawful meetings, seized newsmen's film, and sought to bar peaceful demonstration.

The Violence Commission warned of the dangers posed by either public or private interference with free speech—and of the equally clear danger of calls to violence. It said:

> Obstructions to peaceful speech and assembly—whether by public officials, policemen, or unruly mobs—abridge the fundamental right to free expression. On the other hand, speech, assembly and other forms of conduct that become coercive or intimidating invade the fundamental First Amendment rights of other citizens. When a mob forces a university to suspend classes, the rights of teachers to teach and students to learn are abridged; when a speaker is shouted down or forced from a platform, he is deprived of freedom to speak, and the great majority of the audience is deprived of freedom to listen
>
> * * * * *
>
> Despite some eloquent and subtle rationalizations for violent methods of protest, the record of experience is incontrovertible. While violent protest is sometimes followed by the concessions sought, it more often produces a degree of counter-violence and public dismay that may gravely damage the cause for which violence is invoked.

But we found that present Federal law afforded no adequate remedy for private violation of another's first amendment rights. And State remedies, usually arising under trespass nuisances or disorderly conduct statutes, are not geared to the constitutional issues involved in the delicate balancing of conflicting first amendment rights.

Therefore, the Commission recommended a statute like the one offered today, conferring jurisdiction upon U.S. district courts to grant any equitable relief, and damages where appropriate, necessary to protect first amendment rights.

Resort to the Federal courts makes sense for several reasons. They are experienced in promptly passing on requests for injuction, and fashioning precise decrees to fit highly complex situations. A Federal right of action would encourage uniform enforcement and maximize the authoritative force of such decrees.

The Commission also suggested giving the Attorney General a greater role in protecting first amendment freedoms, "since the mechanism of peaceful dispute, debate, compromise, and change is so essential to the preservation of a just and orderly society and since private persons are often unable to protect their first amendment rights without some assistance."

The nature of the remedy here proposed should be clearly understood. It is a civil right of action, not the creation of a Federal criminal offense. It favors no political philosophy or faction. The act is not designed to prevent those critical of institutions or the viewpoint of other groups from vigorously exercising their first amendment rights. But they must not infringe upon the rights of others.

It would not, for example, reach the adverse comment of an ordinary heckler at a political rally. Nor would an injuction against intentional interference by means of noise be available against reasonable efforts to attract attention and communicate information in the course of a peaceful picket line. Intentional use of noise actually to disrupt and prevent others' attempts to speak or meet would be necessary.

We also should have no illusions that this or any other single statute is a cure-all for every problem generated by the exchange of views in a free society.

But we believe that this act affords a more effective, less abrasive course than those now available. Where violent confrontation seems imminent, our Federal courts can help head it off by laying down ground rules ahead of time.

Unless we protect the first amendment rights of all our citizens, whatever their viewpoint, we kid ourselves if we think our free society can survive. We must act now to preserve the vigorous and peaceful exercise of those precious rights, so that the violent confrontations of the 1960's will not be recorded by history as a mere warmup for even more tragic turbulence in the coming decade.

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

Mr. HART. I yield.

Mr. HRUSKA. Would the Senator agree with me that the idea of this bill and its essence was really arrived at and pretty generally agreed upon very early by members of the National Commission on the Causes and Prevention of Violence?

Mr. HART. It was. As I recall, we were so concerned with campus violence that, even before the filing of our final report, we submitted an interim report and had the benefit of, I think, the counsel of approximately 20 university presidents. Out of that study, as the Senator from Nebraska has correctly said, very early on, we recognized the desirability of attempting to develop an instrument utilizing Federal court tradition which could respond more effectively than the criminal laws of trespass and the municipal ordinances that relate to disorderly conduct—an instrument which would seek to avoid the massive presence of uniformed National Guardsmen at a university campus.

We began very early to feel that the Federal courts could selectively tailor, if you will, ground rules that would make clear to all parties participating the limits beyond which they ought not go and the limits within which they should be protected.

Mr. HRUSKA. It is also my recollection that there were several instances at the time when the Commission was first organized, when campus disorders did arise, when the procedure of the temporary restraining order and of the injunction were resorted to in controlling campus problems, notwithstanding the lack of a specific statute of the kind proposed in this bill. They were resorted to quite effectively. It was felt that if this particular cause of action were removed from the category of general injunction law and specifically codified, much would be gained; it was felt that if such a law were readily available, without question insofar as procedure is concerned, redress could be made available to anyone who might be injured or obstructed or damaged by that type of illegal protest.

Mr. HART. This describes exactly the feeling of the Commission. As the Senator from Nebraska has said, it was a unanimous opinion.

I think it is important that we note the explicit inclusion among the rights which shall be protected of the right to go to the Federal court and obtain relief if there is an arbitrary denial by public authority or by institutional managers of opportunities peacefully to assemble.

I think we should make clear that this bill is not drafted in such fashion that it seeks to be or should be said to be a response solely to student violence. It is equally responsive to mob action against students and to insensitive authorities who interfere with first amendment rights. We think it is a balanced instrument, available equally to persons of very differing points of view—persons who are on a collison course, but who, in many cases, would welcome this kind of blueprint being available to reach an accommodation.

Mr. HRUSKA. In the early sessions, when this matter was considered, the chairman of our Commission, Dr. Milton Eisenhower, apparently already had given the subject a great deal of thought.

He was very, very interested in some step such as this being taken.

Furthermore, Mr. Lloyd Cutler, a very prominent and outstanding member of the Washington bar, who served as administrative director of the Commission, did a great deal of legal research on the matter and was very helpful in phrasing and constructing the language of this bill. It then went to the Department of Justice, where other research and rewriting was done. There also was consultation with the two Members of the other body who served on the Commission—to wit, Representative HALE BOGGS and Representative WILLIAM MCCULLOCH, of Louisiana and Ohio, respectively.

I mention those things to indicate that this is a well-considered measure, one which has been carefully thought out. It is my hope that it will be promptly considered by the proper subcommittee of the Judiciary Committee and later by this body itself.

Mr. HART. I share that hope, and I share the statement just made by the Senator from Nebraska that it was carefully developed. This does not mean that as we study it further in committee, improvement may not be made. It is conceivable that this initial draft falls short of the objective we seek or includes a feature which none of us at the moment is aware of but which would be subject to legitimate objection.

Mr. HRUSKA. The Senator is correct.

Mr. HART. The point of the hearing, however, is to identify any such areas and to permit us to improve, and, most important, to permit us to move as a result of that further thoughtful study.

Mr. HRUSKA. The Senator is correct in saying that there is room for considering any suggestion for amendment or improvement, either by way of widening or by way of restricting. In fact, from the time of the report as it was issued by the Commission until its introduction today, many alterations have been made. So that process can continue when the matter is brought before the committee and is later brought to the floor of the Senate. I feel that this Senator and the Senator from Michigan would be very receptive to anything that would be constructive and helpful to make a well-balanced bill.

Mr. HART. I thank the Senator from Nebraska. I described my feeling, and I know that it conforms to his. I hope that the Commission on Violence will not be cited as one of those long list of commissions which file a report and then, 15 years later, when someone stumbles over it and opens it and reads it, he discovers a long list of recommendations on which no action has been taken. This bill gives Congress the opportunity to respond affirmatively to one of the most important recommendations which the Violence Commission made.

Mr. COOPER. Mr. President, I was very much interested in the statement of the Senator from Nebraska and the Senator from Michigan. Several weeks ago, I read an account of the recommendations of the National Commission on the Cause and Prevention of Violence, chaired by Dr. Milton Eisenhower, on this subject, and I was happy to hear the explanation given by the two distinguished Senators from Nebraska and Michigan.

I am sure that there will be questions arising as to the application and use of the injunction; nevertheless, it certainly seems to me that the purpose of the bill, which will be thoroughly considered by the two Senators and their colleagues on the Committee on the Judiciary, is a good one.

Those who claim to have the right of free speech and dissent, and of petition to the Government, do not have the right to deny those same first amendment rights to others by the use of violence.

It seems to me that is simple to understand. But I still believe that we will have some difficulty working it out, but its purpose is right.

Mr. HRUSKA. The Senator from Kentucky may be right. The Senator knows, of course, that, generally, the right to an injunction and a temporary restraining order is available in many situations just like this. An effort has been made to get the essence of the decisional law in this field embodied into the bill, so as to make it a matter of statutory procedure rather than a general principle of injunctive law.

Mr. COOPER. I know there have been some trials in my State of Kentucky recently, in the Federal courts, on the general principle of this same subject, involving the rights of students, faculties, and the administration of the University of Kentucky. Thus, I have already received some information on this subject.

But it seems to me, as both Senators from Nebraska and Michigan have pointed out, that it is wrong for those who militantly claim their rights, at the same time to deny those very same rights to others.

Mr. HRUSKA. I thank the Senator from Kentucky.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. HRUSKA. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 3 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, June 17, 1970, at 11 a.m.

EXTENSIONS OF REMARKS

THE CITADEL

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Tuesday, June 16, 1970

Mr. THURMOND. Mr. President, The Citadel is a distinguished institution of learning in Charleston, S.C. Throughout its 127-year history, it has stood for the finest in character, education, and patriotism. Today it stands in marked contrast with many other institutions of higher education, a fact which has not gone unnoticed across the land.

California's remarkable commissioner of education, Dr. Max Rafferty, is also a fine newspaper columnist, who frequently writes on the problems of education. In a recent column, Dr. Rafferty pays tribute to the historic tradition of the Citadel, and heaps high praise upon the institution.

I am delighted that Dr. Rafferty should see fit to honor a South Carolina tradition in this way, and I would like to bring this column to the attention of my colleagues.

Mr. President, I ask unanimous consent that the column entitled "View of the Citadel," written by Dr. Max Rafferty, and published in the Charleston News and Courier of June 11, 1970, be printed in the Extensions of Remarks.

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

VIEW OF THE CITADEL

(By Max Rafferty)

(EDITOR'S NOTE.—This syndicated column by Max Rafferty, superintedent of education for California, has appeared in numerous daily newspapers.)

"Whatever happened to the strict, no-nonsense military school, where boys were turned into men and where patriotism was a state of mind to be proud of instead of an object of official scorn?"

Hear ye the authentic voice of an awful lot of American fathers. You'd be surprised how many worried dads write to me in this vein. They look unbelievingly about them at the well-publicized college campus of today, bristling with beards, fraught with filth, dripping with disloyalty, and they say, "Oh, no! Am I going to have to spend $15,000 to send my kid to THAT?"

Buck up, dad. What would you say to a small but thoroughly accredited college in an ancient setting teeming with tradition, where for 127 years a dedicated staff has been graduating class after class of young men whose academic excellence is exceeded only by their love of country and their healthy reverence for the great traditions out of our national past?

A college which proudly stresses its Cadet Corps of 2,000 men but which also emphasizes a fine general education for 4,000 other students? An institution of higher learning where every member of the faculty is a distinguished former military officer?

(Editor's note: The "general education for 4,000 other students" refers to the master of arts in teaching program, the evening program, the summer school, sumer camp for boys and Palmetto Boys State. The statement that every faculty member is a former military officer is a mistake. Many faculty members are retired, or reserve officers, but some are not.)

Incredible, you say, in this day and age? Not if you know about The Citadel. In case you don't let me tell you what I found out a short time ago when I flew back to South Carolina to check up on these "incredible" rumors I'd been hearing about a school which actually and openly stood for decency and loyalty and high scholastic standards.

First, its home town of Charleston is proud of The Citadel. It has been since it was founded. This is a bit of a switch these days,