SENATE—*Thursday, June 18, 1970*

The Senate met at 10:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

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

Almighty God, who at creation didst bring order out of chaos, make the earth a home for man, and give him freedom under divine rulership, have mercy upon all mankind. Forgive our alienation from Thee, our impaired vision of the holy, and the distortion of the divine image. Forgive our sins, heal our spiritual sickness, and once more give us joy in loving and serving Thee.

O Lord, we pray for newness of life in us and in all men. We pray especially for this Nation that Thou wouldst rebuild it on the pristine premise of the Founding Fathers. Order our disorder, repair our brokenness, banish all hate, subdue all violence and unite us in the bonds of peace and a common endeavor for a better land. Give us a new spirit and a new direction.

Strengthen Thy servants here to lead in the healing of our ills and the remaking of "One Nation Under God." Amen.

THE JOURNAL

Mr. KENNEDY. Mr. President I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, June 17, 1970, be dispensed with.

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

COMMITTEE MEETING DURING SENATE SESSION

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

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona (Mr. FANNIN) is recognized for 30 minutes.

POSTAL REFORM WITH COMPULSORY UNIONISM

Mr. FANNIN. Mr. President, today's talk is another in a series of information discussions which a large number of my fellow Senators have agreed is absolutely necessary in order to provide the framework for passage of postal reform. This means reorganizing our postal system without turning it over to union officials.

The key to the problem is that portion of S. 3842, soon to be brought before this legislative body, which would legalize compulsory union shop agreements between union officials and the management of the postal service. It is my intent to lead a discussion to inform the public of the fact that a substitute bill is available that would continue the freedom from compulsory unionism that all Federal employees now enjoy—including the 750,000 postal workers.

Because these talks are going to be germane—now and when the bill is formally introduced—the word "filibuster" is not descriptive. I have no intention of obstructing legislation, or I would not be discussing the subject at this time, but only of passing legislation that protects the rights of our postal workers. And for those few uninformed members of the press who think my support for this measure is waning because I refuse to use the word "filibuster" let me set the record straight now—my support today is greater than last week, will be even greater next week, and in time will include, I feel confident, a majority of this body.

Mr. President, on Wednesday of this week the House of Representatives wrote into their postal reform bill a provision that postal workers can join or refrain from joining unions. That body adopted this amendment by a vote of 179 to 95.

And in that legislative body, the amendment which was adopted preserves the present policy as first enunciated by President John F. Kennedy in 1962. That policy protects all Federal employees from forced unionism.

Unfortunately, the pending Senate bill would reverse that policy and would repeal existing right-to-work protection for postal workers in 31 non-right-to-work States and raise serious doubts about their protection in the 19 right-to-work States.

At this point let us get one thing clear—taking away the rank-and-file postal workers' protection against compulsory unionism is a radical provision that bodes ill for all public employees—approval for postal workers will open the flood gates at all levels of governments.

Postmaster General Winton Blount may protest that "allowing unions to bargain on union security does not mean they will get it," but the former head of the Chamber of Commerce of the United States knows better—particularly since he personally opposed any qualifications of this individual right at the 1968 GOP convention. Furthermore, he is well aware that in the bill he is pushing any matter that management and labor cannot agree on will be decided by binding arbitration. And we all know that in this area when Congress authorizes anything, the arbitrator views that as something Congress favors.

Once the postal worker is trapped, the whole Federal service will go in a very short time.

On this point the President of the AFL–CIO, George Meany, to his credit, has been utterly frank about his intentions. He told the House Post Office Committee last April that he views the pending bill as "only the beginning." He added that if he can win a compulsory union shop in the Post Office Department with its 750,000 workers, he will seek the same kind of collective bargaining "for all civilian workers of the Federal Government".

To this the AFL–CIO News added editorially, "What's good enough for Uncle Sam ought to be good enough for every State, county, and city."

And for any Member of this body who does not understand to what lengths this union boss will go, let me remind him that 1 month ago Mr. Meany told a congressional committee he would oppose the postal reform bill if it was amended to protect the postal workers' right to work.

From a worker's standpoint this ought to be bad enough. But late last week Mr. Meany announced support for a compromise bill that provides less dollar benefits for the rank-and-file workers. According to this press report, he sees this approach as necessary to insure passage of a bill with the labor-management provisions he wants. The provisions, of course, include compulsory unionism and the elimination of all postal unions except the AFL–CIO.

Mr. President, the question of who Mr. Meany is representing begs an answer.

I suggest that my respected colleague, Senator NORRIS COTTON of New Hampshire, answered the question a few weeks ago when he said that if Postmaster Blount's idea of postal reform is adopted, "control of our postal service is bound to pass from the hands of Congress into the hands of the AFL–CIO."

The House of Representatives, in its wisdom, passed the amendment offered by Congressman DAVID HENDERSON, of North Carolina. But whether they vote right or wrong, it will still be necessary to carry on an educational discussion in the Senate to insure postal employees have the right to choose whether to join or to refrain from joining a union. It will be necessary to make sure that all the Members of this great Senate understand clearly the magnitude of this issue.

Eventually, we will be voting on compulsory unionism in the government of a free society. To me the right of a U.S. citizen to work for his own Government approaches an absolute right. And I cannot believe that any Member of the Senate would vote to condition that employment upon the payment of dues to a private organization.

If what I have said is true, then it seems logical to assume that most Americans oppose compulsory unionism. That is true. According to the respected Opinion Research Corp. of Princeton, N.J., a recent public opinion attitude study shows that two-thirds of the American people—including more than half of union families—oppose compulsory unionism in the private sector. In the public sector there is little question that virtually all Americans oppose any qualifications whatsoever in the Government employees' right to work.

On this point let me direct the Members' attention to an advertisement in the Washington Evening Star for Monday, June 15, placed by the National Right To Work Committee. This ad posed

the question, "Should Congress endorse compulsory unionism for postal workers?" The ad then presents an impressive list of those who say "No." Let me list just a few of the names from that very partial listing. The list includes—

Richard M. Nixon as a 1968 presidential candidate.

John F. Kennedy as President.

Arthur Goldberg, President Kennedy's Secretary of Labor.

George Shultz, President Nixon's former Secretary of Labor.

The Republican Party—1968 campaign platform pledge.

Winton Blount—In 1968 before the Republican platform committee. And he stated at that time—loud and clear—that—

There should be no qualification of the fundamental right to join or not to join a labor organization. Both should have equal protection of the law.

Chamber of Commerce of the United States and their thousands of members.

National Association of Manufacturers and their thousands of members.

Vincent R. Sombrotto, Branch 36, National Association of Letter Carriers, and thousands of his fellow New York Postal Union members.

The National Alliance of Postal and Federal Employees and their 45,000 union members.

Joseph Romeo, a Bronx, N.Y., postal employee and thousands of his fellow workers.

National Federation of Independent Businesses and its hundreds of thousands of members.

American Farm Bureau Federation and its hundreds of thousands of members.

And virtually every newspaper in the United States—a point I will get to a bit later.

Mr. President, most of these names are quite familiar. But you, and my colleagues, might ask, "Who is Vincent Sombrotto?" Well, Vincent Sombrotto is America, he is the worker down the street, he is the postal employee who has earned a pay increase and wants this Congress to do something about it, and he is also the postal worker who knows that the Blount-Meany deal on compulsory unionism is what is holding up postal reform and his pay raise. He knows and his fellow workers know.

Only last week this man was in my office with a petition signed in one day by 900 of his fellow workers—and all union members—that says:

We, the undersigned, hereby request that the provision of Executive Order No. 11491 giving postal employees the right to join or not to join a union be written into any postal "reform" legislation; thereby expediting a just wage increase, fringe benefits and better working conditions—for all postal employees.

In his own words, Mr. Sombrotto told me, "Senator, the workers do not want the union shop. They want benefits for themselves, not for the bosses. If the union is good the men will line up to join. Senator, we need your help."

Well, gentlemen, Mr. Sombrotto and his fellow union members and postal workers are going to get my help. And the help of many Members of this U.S. Senate. I think Mr. Sombrotto's civil rights are worth fighting for. I hope my fellow Senators do too.

To get things going, I gave Mr. Sombrotto a letter to take back to his fellow New York postal workers, which read:

Thank you for bringing to me the petition from postal employees in the New York area telling me of their support for a postal reform bill which does not authorize the creation of a union shop.

This petition was signed by 900 workers who obviously represent a cross section of the loyal, hardworking, industrious American postal employee. The very fact that they signed this petition shows their genuine concern for postal reform and their legitimate interest in better wages and improved working conditions.

I firmly believe, as does Congressman HENDERSON, that there would be no problem in enacting a postal reform bill including an immediate 8% pay increase for postal workers if the bill did not authorize compulsory unionism.

For this reason, I plan to introduce a substitute postal reform bill, similar to the pending Senate bill, but which will preserve the postal workers right to join or refrain from joining a union. I am still hopeful for administration support of my bill.

If postal reform and a postal pay raise are not enacted, it will be because of the efforts of the national craft unions and the agreement on the part of the administration to interject changes in our labor laws into a legitimate reform effort.

I hope my substitute measure will be quickly accepted by the Congress and signed by the President.

Your concern of postal reform is understood and shared.

Let me read also a letter that Congressman HENDERSON wrote to Mr. Sombrotto and the New York postal workers:

I want to thank you for bringing to Senator FANNIN and me the petition signed by 900 rank-and-file postal employees from the New York area stating their support for a postal reform bill which does not authorize the creation of a union shop.

It is my candid opinion that if both the administration and the representatives of the employee unions were not insisting upon the provision authorizing the union shop, there would be no problem whatsoever in enacting the postal reform bill with its provision for an immediate 8% pay increase for postal workers.

Certainly, I would throw my full support behind the bill if this one provision is included and am confident that it would quickly pass both the House and Senate.

If the bill is delayed unduly, it will not be because Congress has been dragging its feet or is unsympathetic to the plight of the rank-and-file postal workers. It will be because the unions and the administration seem bent on making the bill carry the burden of compulsory unionism on its back.

I hope my amendment will be quickly accepted by the House; that it will likewise be accepted in the Senate; and that the bill will very shortly be enacted into law.

Your interest as a concerned employee is understood and appreciated.

Those opposed to any qualification of the right to work for postal workers include associations, union members, postal workers, most of the American people, and virtually all of the Nation's newspapers. Let us take a look at what some of our opinion leaders have said in the past few weeks:

On May 5, the Wall Street Journal said editorially:

It's hard to see how this would square with civil service protection that postal employees are supposed to retain under the new setup. And it conflicts directly with President Nixon's declaration less than a year ago, that Federal workers should not be forced to join unions to hold their jobs.

On April 15, the Milwaukee Sentinel said:

Congress should reject the union shop provision of the Postal Reorganization Plan, if not the whole package.

On April 23, the Richmond News Leader said:

In considering this Postal Reform Package, Congress would do well to honor the essential right of a worker to hold a job without paying union dues, by consigning this particular provision to the dead letter office.

On April 21, the Mobile Press said:

All one hears now are cries for freedom, and for the individual's rights, yet powerful labor organizations have Washington so firmly in their grip that no official there has the courage to speak up for the millions who want and need work, but refuse to join unions.

On April 8, the Wheeling News Register said:

We feel certain that a majority of Americans believe that no worker in private or public employment should be forced to pay union dues as a condition of employment.

On June 6, the St. Louis Globe-Democrat said:

There is no justification for changing the policy despite heavy union pressure. Congress must protect Federal employees' right to join or not to join a union by eliminating this provision.

On May 17, the Miami Herald said:

A precedent in the proposed postal corporation would open the way to enacting union dues, at taxpayer expense, from those 12 million, willy-nilly. We question whether postal "reform" is worth this price.

On May 24, the Williamsport, Pa., Grit said:

Such power over public employees, elected officials, or legislative and other public bodies is intolerable in a free society. Congress must not invite and encourage it by rubberstamping compulsory unionization for postal workers.

On May 28, the Dallas Morning News said:

It's hard to believe that the courts would allow State laws in effect to amend a Federal statute. A defeat of right to work on the postal worker issue would harm right to work everywhere, most severely in areas of Federal employment. If the postal workers get union shops, it's a safe bet that other civil servants will, too.

On May 13, the Federal Times said:

To carry that reasoning a step farther, while we favor unionism among Government employees, we do not believe that compulsory unionism—or the possibility of such unionism through negotiation—should be part of this reform or any other pact involving the status of public employees.

On June 9, the Washington Evening Star said:

It seems to us, then, that if the necessary votes can be mustered, the postal bills

should be amended to include the right to refrain from union participation, as guaranteed by a succession of presidential orders covering Federal employee relations.

On June 8, the Washington Daily News said:

As matters now stand, government workers are free to join—or not join—unions according to their own desires. That right of free choice must be preserved.

On June 2, the Cincinnati Post & Times-Star said:

There are big gains in this for postal workers. And doubtless more to come if the post office can be reorganized on a modern basis. Considering the neglect which has beset the postal service and its employees all these years, this is pretty good for starters. The compulsory union section is neither needed nor good business.

On May 29, the Albuquerque Journal said:

Postal workers should retain the right to join or not join a union. If that right is taken away we will have paid too high a price for postal reform.

On April 9, the Syracuse Post-Standard said:

This is wrong. No government employee should be compelled to join a union. As long as there is one postal employee who prefers not to pay union dues, there must be no compulsion approved by Congress.

An April 22, the Salt Lake City Deseret News said:

But no one has yet proved that taking away a government worker's right to either join a union or refrain without coercion will improve his efficiency and make the Post Office Department run smoother.

On April 28, the Rock Island, Ill., Argus said:

From what we have heard, most rank-and-file members don't insist on compulsory unionism, that is, the requirement that every member join a union when a majority vote to make it their bargaining union. They will be satisfied with the right of the majority to bargain and believe that the overwhelming majority of workers will sign up.

On April 20, the Birmingham Post-Herald said:

Mr. Blount says this agreement, if it goes through Congress, would permit unions to negotiate for union shops. Union shops require all employees to join the union, whether they want to or not. This is common in private industry, but is it good public policy? In principle, no.

On May 3, the Savannah News said:

This part of the postal reform bill should be junked. It's too high a price to pay for a reform plan which has already been sharply altered to meet the objections of politicians and unions.

On May 28, the Little Rock Democrat said:

There are several things wrong with the Nixon administration's postal reform bill, which has now been approved by both the Senate and House Post Office Committees. One of the most important ones is that the bill could create compulsory unionism in the post office.

Mr. President, the Nation's press have spoken—against compulsory unionism for postal workers; the people of this country have spoken—against compulsory unionism; and the rank-and-file postal workers of this country have spoken—against compulsory unionism. I suggest it is time for the U.S. Senate to endorse their feelings. I hold that any person has a right to join a union. He should have the same right not to join a union. He should not be coerced either by his management or by the union boss. Or should we quit pretending this is still a free country?

Under existing law, the standards for examination, certification, and appointment in the competitive civil service, as found in sections 3301–3364 of title 5, United States Code, apply to postal employees just as they do to employees in other departments of the Government.

The policies governing all Federal agencies in their dealings with Federal employee labor organizations are set forth in Executive Order 11491, under the title of Labor-Management Relations in the Federal Service, and signed by President Nixon on October 29, 1969.

This Executive order states, in section 1 of its General Provisions:

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.

The postal reform bill as voted out of the Senate Post Office Committee has the controversial provision that brings, for the first time, Post Office employees not in right-to-work States under the National Labor Relations Act.

George Meany of the AFL–CIO negotiated this arrangement with the Postmaster General.

Under the provisions of the bill a Federal employee could and no doubt would be forced to pay dues to work for his own Government. Most of the employees of the Post Office Department would under this arrangement be forced to pay tribute to the AFL–CIO union in order to hold their jobs even though they had worked for their Government freely for 10, 15, 25 or more years.

Under my substitute bill the same reform provisions would remain with the only change being the removal of the controversial compulsory union provision.

With this change, the bill should be readily adopted by Congress.

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

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

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BAKER. May I inquire of the Chair, how much time remains of the time allotted to the distinguished Senator from Arizona?

The ACTING PRESIDENT pro tempore. The Senator from Arizona yielded the floor when he asked for the call of the quorum.

Mr. BAKER. Mr. President, I seek the floor.

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

Mr. BAKER. Mr. President, I rise to pay my respects to the distinguished Senator from Arizona once more for his valuable contribution in this field. He has been diligent in his research and evaluation of a most difficult piece of legislation and a difficult aspect of it; namely, postal reform and the relationship of the right to join or not to join a union under that reorganization.

I would point out as the Senator from Arizona has already pointed out, that our colleagues in the other body yesterday, acting as members of a Committee of the Whole House, adopted the so-called Henderson amendment by a teller vote of 179 to 95 which, in effect, does give freedom of choice to postal employees under the new reorganization bill to choose to join or not to join a labor union.

I think this is a step in the right direction. I hope that our colleagues in the other body will continue to make this a permanent feature of the postal reform bill which they adopt, and that it will come to us in that form.

In any event, once more, I am happy to associate myself with the remarks of the distinguished Senator from Arizona. I am hopeful now that the Senate will proceed, according to the example set by the House tentatively, to the important business of postal reform and an adjustment of this provision of it.

Mr. FANNIN. I commend the distinguished Senator from Tennessee (Mr. BAKER). I recognize his expertise in this field. He is an attorney, and one who has made a thorough study of this subject. I realize that he has fought in the past for the right of people to join or refrain from joining a union and think that, with his help and the help of others, we can hurriedly get the postal reform bill accepted. But, if we do not remove this controversy issue, we may not be able to carry through with this much needed legislation.

Mr. BAKER. Let me make this observation. As he knows, and as I believe most Senators know, I have long called for postal reform of this type. I personally encouraged the Postmaster General to offer this legislation, or similar legislation, at the beginning of his tenure of office. I strongly support this legislation and the need for reform. I agree with the Senator from Arizona that this provision of the bill seriously jeopardizes our chance to have postal reform.

For that reason, I sincerely hope that we can get those adjustments.

Mr. FANNIN. I again commend the distinguished Senator from Tennessee. I recognize that he does support postal reform. He has a record of very hard work on this subject and I know that he will continue to work for it. I agree with him that the way in which we can get much needed postal reform is to remove this controversial issue.

Accordingly, I shall work with the distinguished Senator to carry out that goal.

Mr. PERCY. Mr. President, I should like to commend the distinguished Senator from Arizona for his contribution in

this field—I have a question as to the rationale for not facing up to the need for an increase in postal rates at the same time we increase salaries of postal employees.

I wonder whether the distinguished Senator from Arizona could enlighten me as to how we can increase costs and then not immeditaely face the fact that we need to increase postal revenues. We cannot add this kind of deficit to an already overburdened budget.

Mr. FANNIN. I commend the distinguished Senator from Illinois for bringing out that very important point. It is essential that we go forward with increased rates in order that we can reach the goal President Nixon has stated; namely, to try as early as possible to bring the Post Office Department into a position where its revenues meet or nearly meet its expense.

Perhaps, we will not be able completely to carry out that goal, but certainly we should not burden further the Post Office with an increased debt. At the same time, a change in the rates is needed. Some of the rates, perhaps, I would not vote to approve. But at the same time, I think it is highly essential that we do tie these two programs together so that we can take care of the increased costs by increasing the rates.

Mr. PERCY. I thank my good friend from Arizona for his comments.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. PERCY. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

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

MESSAGE FROM THE PRESIDENT

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

REPORT ON THE ACTIVITIES OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE—MESSAGE FROM THE PRESIDENT

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

To the Congress of the United States:

The annual report on activities under Public Law 480—which I transmit herewith—reflects the efforts and progress made during 1969 toward the Food for Peace Program's dual goals of agricultural trade development and assistance.

Food for Peace, which completed its fifteenth year of operation during 1969, is a landmark among humanitarian efforts to improve diets in the developing areas of the world. It plays an important part in the work of developing nations to improve their own agricultural production, marketing, and distribution. Although many of these countries are becoming better able to feed their people, the need for substantial food assistance continues.

The Food for Peace Program enables the United States to pursue its food assistance goals and development objectives in a number of ways: bilaterally, through concessional sales programs and government-administered donations programs; privately, through religious and charitable voluntary agencies such as CARE; multilaterally, through institutions such as the World Food Program.

In addition, local currencies generated through Title I concessional sales and received through repayments of earlier loans continue to provide balance of payments benefits to the United States by permitting expenditures of U.S.-owned currencies rather than dollars in many countries. Such currencies have also been used to finance projects undertaken to increase our commercial sales of agricultural commodities, and thereby helped to develop an increased market for U.S. agricultural products. These projects helped in 1969 to reverse the downward trend of U.S. farm exports in recent years.

The Food for Peace Program enables the enormous technological capability and productive capacity of American agriculture to be utilized to assist low income countries in developing their agricultural sectors, and in feeding their citizens while they still require outside help in doing so. This Administration pledges to continue its efforts toward achieving the goals of this program.

RICHARD NIXON.

THE WHITE HOUSE, *June 18, 1970.*

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. METCALF).

H.R. 4249. An act to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests, and for other purposes; and

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

PROPOSED LEGISLATION AMENDING THE ACT PROVIDING FOR THE ORGANIZATION OF THE MILITIA OF THE DISTRICT OF COLUMBIA

A letter from the Secretary of the Army transmitting a draft of proposed legislation to amend title 39 of the District of Columbia Code to provide for the pay, allowances and benefits of the D.C. National Guard performing militia duty in the District of Columbia, and for other purposes (with accompanying papers); to the Committee on Armed Services.

REPORT ON ACTIVITIES OF THE EXPORT-IMPORT BANK EXPORT EXPANSION FACILITY PROGRAM

A letter from the Secretary, Export-Import Bank of the United States, transmitting, pursuant to law, a report of activities during quarter ended March 31, 1970, Export Expansion Facility Program (P.L. 90-390), of the Export-Import Bank of the United States (with an accompanying report); to the Committee on Banking and Currency.

PROPOSED LEGISLATION AUTHORIZING SHOWING IN THE UNITED STATES OF DOCUMENTARY FILMS DEPICTING THE CAREERS OF CERTAIN GENERALS

A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the showing in the United States of documentary films depicting the careers of General of the Armies John J. Pershing, General of the Army H. H. Arnold, General of the Army Omar N. Bradley, General of the Army Dwight D. Eisenhower, General of the Army Douglas MacArthur, General of the Army George C. Marshall, General Lyman L. Lemnitzer, General George S. Patton Jr., and General Joseph Stillwell (with an accompanying paper); to the Committee on Foreign Relations.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on opportunities for improvement in management of Government materials provided to overseas contractors, Department of the Army, Department of the Air Force, dated June 17, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on inequitable charges for calibration services; Need for Accounting Improvements at National Bureau of Standards, Department of Commerce, dated June 18, 1970 (with an accompanying report); to the Committee on Government Operations.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classification for certain aliens (with accompanying papers); to the Committee on the Judiciary.

PETITIONS AND A MEMORIAL

Petitions and a memorial were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

A resolution of the House of Representatives of the State of Illinois; to the Committee on Government Operations:

"HOUSE JOINT RESOLUTION No. 106

"Be it resolved, By the House of Representatives of the Seventy-sixth General Assembly of the State of Illinois, the Senate concurring herein, that we designate the Chairman of the Illinois Commission on Intergovernmental Cooperation as that legislative official who under the provisions of Section 201 of Title II of the United States' Intergovernmental Cooperation Act of 1968, has the authority to request of the Federal government and its agencies the purposes and amounts of Federal grants payable to the State or its political subdivisions; and be it

"Further resolved, The Secretary of State send a suitable copy of this resolution to: the Speaker of the House of Representatives and the President of the Senate in the Congress of the United States; the Comptroller General of the United States; the Director of the United States Office of Intergovernmental Relations; and to the Director of the United States Bureau of the Budget."

Resolutions adopted by the U.S. Air Force Mothers, of Hollywood, Calif., praying for support in relation to the significance of the flag; and urging the Congress to demand that North Vietnam honor the Geneva Convention regarding prisoners of war; ordered to lie on the table.

A resolution adopted by the Municipal Assembly of Gushikawa City, Okinawa, remonstrating against poison-gas weapons; to the Committee on Armed Services.

A resolution adopted by the Gushikawa City Assembly, Okinawa, praying for the enforcement of military discipline in the Ryukyu Islands; to the Committee on Armed Services.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURDICK, from the Committee on Interior and Insular Affairs, with amendments:

S. 2209. A bill to authorize and direct the Secretary of the Interior to convey certain property in the State of North Dakota to the Central Dakota Nursing Home (Rept. No. 91–936).

By Mr. PROXMIRE, from the Committee on Appropriations, with amendments:

H.R. 17868. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–937).

BILLS AND JOINT RESOLUTIONS INTRODUCED

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

By Mr. PEARSON:

S. 3986. A bill to amend title 23 of the United States Code, relating to highways, in order to promote the development of rural America, and for other purposes; to the Committee on Public Works.

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

By Mr. BURDICK:

S. 3987. A bill to provide for thorough health and sanitation inspection of all livestock products imported into the United States, and for other purposes; to the Committee on Agriculture and Forestry.

By Mr. MUSKIE (for himself and Mr. WILLIAMS of New Jersey) (by request):

S. 3988. A bill to amend the Securities Exchange Act of 1934, as amended, to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; and

S. 3989. A bill to provide greater protection for consumers of registered brokers and dealers and members of national securities exchanges; to the Committee on Banking and Currency.

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

By Mr. TYDINGS:

S. 3990. A bill to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities to enhance understanding of population dynamics and for other related educational purposes, and to authorize the Deputy Assistant Secretary for Population Affairs to develop and disseminate information on population dynamics; to the Committee on Labor and Public Welfare.

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

By Mr. BENNETT:

S. 3991. A bill to reduce the rate of duty on parts of ski bindings; to the Committee on Finance.

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

By Mr. TYDINGS (for himself, Mr. BAYH, Mr. BROOKE, Mr. CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. DOLE, Mr. GOODELL, Mr. HART, Mr. MAGNUSON, Mr. MCGOVERN, Mr. METCALF, Mr. MONDALE, Mr. NELSON, Mr. PACKWOOD, Mr. PEARSON, Mr. PERCY, and Mr. SPONG):

S.J. Res. 214. Joint resolution to set forth the policy of the United States with respect to the alleviation, by voluntary means, of the problems presented by population growth; to the Committee on Labor and Public Welfare.

(The remarks of Mr. TYDINGS when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

By Mr. TYDINGS:

S.J. Res. 215. Joint resolution to authorize the National Academy of Sciences to undertake a study of certain factors which should be considered in the formulation of a national population policy; to the Committee on Labor and Public Welfare.

(The remarks of Mr. TYDINGS when he introduced the joint resolution appear later in the RECORD under the appropriate heading.)

S. 3986—INTRODUCTION OF THE RURAL DEVELOPMENT HIGHWAYS ACT OF 1970

Mr. PEARSON. Mr. President, I introduce today the Rural Development Highways Act of 1970. The purpose of this bill is to encourage a more balanced geographical dispersal of the Nation's people and industry and to generally promote the economic and social development of our rural communities and to discourage a continuing of those urban concentration trends which are considered to be undesirable, through a more effective use, location, and design of the federally aided highway system.

Mr. President, many of our metropolitan centers are overcrowded. Much of the area outside the large cities is underpopulated.

Unless corrective action is taken, this imbalance will worsen. The population of this country is expected to grow by as much as 100 million people in the next three decades. Given present population trends most of this increase will occur within the boundaries of existing standard metropolitan areas. And it is likely that 60 percent of our people will be crowded into only four massive urban conglomerations by the year 2000.

Mr. President, we now know that the overcrowding of people and the excessive concentration of economic activities have contributed significantly to the great crises of the cities.

We know that the counterparts of the festering slums, polluted air, and the monotonous suburbs are the stagnating towns and deserted farms of rural America.

A continuation of present trends will compound these crises. We must not allow this to happen. We must expand economic, social, and cultural opportunities outside the metropolitan area. We must create those conditions which will allow more people to live outside the great metropolitan centers than would be the case if present trends were allowed to continue unaltered.

Thus it is, that during the last few years we have witnessed a growing national commitment to the cause of rural development.

Mr. President, there are a number of factors which affect the patterns of economic growth and population distribution. The availability of transportation facilities is certainly one of considerable importance. Transportation networks have substantial impact on community development patters.

The legislation I introduce today would provide additional aid for the construction and improvement of rural development highways and would call for the establishment of a special commission to review our entire highway transportation policy in order to assure that future highway programs are in accord with our overall goal of population dispersal.

Mr. President, the rural development highways program as provided for in the bill I introduce today, would be financed out of the highway trust fund. The bill provides that 20 percent of a State's apportionment for the Federal-aid secondary systems for each fiscal year shall be used for rural development highways. To assure additional highway construction beyond presently authorized levels, I recommend that the appropriations out of the highway trust fund for the Federal-aid secondary system be increased by 30 percent. Building on present levels, this would mean a secondary highway appropriation of $494,000,000 for each of the fiscal years ending June 30, 1972 and June 30, 1973. This represents an increase of about $114 million over present levels.

The bill also provides that the Federal-State share ratio be changed from the present 50–50 to 80–20. The pressing national necessity of rural community development fully justifies that the Federal government carry the major financial share of the rural development highways program.

Mr. President, at this point I would state that I am not wedded to these precise figures and formulas. And possibly, these funds should come from the Treasury rather than the trust fund. Also, further study may demonstrate that this program should be handled through the Federally-aided primary system or some special combination of the Federally-aided primary and secondary systems. But with the study of the Federal-Aid Highway Act of 1970 already under way it is of first importance that we initiate the discussion of the concept of rural development highways at this time.

Mr. President, rural development highways would for the most part be shorthaul roads and as designated in this bill they would be highways which would—

Encourage the location of business and industry in rural communities;

Facilitate the mobility of labor in sparsely populated areas;

Facilitate the flow of tourist traffic into rural areas;

Provide rural citizens with improved access to such public and private services as health care, recreation, education, and cultural activities, and

Otherwise encourage the economic and social development of rural communities.

These rural development highways would connect smaller towns and cities with Interstate highways and other major roads. They would also serve to provide rural residents with speedier and easier access to social services and cultural amenities of larger urban centers. And, in many sparsely populated areas, they would serve as people-to-job roads allowing workers to commute considerable distances in relatively short periods of time.

Mr. President, in my discussions with community development leaders, not only in Kansas but across the country, I have heard of a number of examples where an industry in the final analysis has decided not to locate in a particular community because the highway network serving the community was not fully adequate; possibly because there was no access to an Interstate road within convenient distance; possibly because the existing highway was not of strong enough construction to handle the heavy load traffic needed to serve the industry.

And certainly we know that the special highway programs in such areas as Appalachia have had a great influence on the economic and social development of that region.

Mr. President, no rural development highway would be located in a standard metropolitan statistical area, nor would such a highway be located in a country where less than 15 percent of the families have an annual income below the currently defined poverty level. The bill further provides that the Secretary of Transportation, after consulting with the Secretaries of Agriculture, Commerce, HUD, and the Director of the Office of Economic Opportunity, will establish further guidelines to assure that funds are allocated in accordance with the basic goals of this act.

In establishing these guidelines the Secretary would also want to take into account the special and sometimes unique problems and needs of rural communities and local nonmetropolitan governments.

Mr. President, the second major provision of this bill looks beyond the establishment of the rural development highways program and calls for the establishment of a special commission which would be charged with the responsibility of studying how the location and design of highway systems affect economic and population growth patterns, and submitting recommendations as to how highway programs—Federal, State, and local—should be changed to more effectively encourage greater geographic dispersal of people and economic activity and to assure a more balanced economic growth across the country and to discourage the continuation of those urban concentration patterns which are considered to be undesirable for economic, social, and environmental reasons.

We already know a great deal but we need to know more. At a time when we are beginning to consider the future status of the Interstate System, at a time our rail and air transportation policies are undergoing considerable change and particularly at a time when we are so keenly aware of the relationship between population distribution patterns and the quality of life, we want to have the very best information possible regarding highway needs during the last third of the 20th century.

The Commission would not only make recommendations as to how to strengthen or modify the rural development highways program, but would, of course, make recommendations regarding the Nation's entire highway policy ranging from recommendations regarding the successor program to the present Interstate System, regional highway development programs, and suggested policies for State and local governments.

The Commission would be composed of 15 members: three appointed by the President of the Senate from the Members of the Senate; three appointed by the Speaker of the House of Representatives from the Members of the House; nine appointed by the President, three from the executive branch of the Government and six from the general public.

Mr. President, achieving a reasonable, healthy rural-urban balance in the future will not be easy. And the public policy approaches will be many and varied. Those who presume that there is some one simple approach to rural development are simply mistaken. But the fact that the task at hand is difficult and complex should not be used as an excuse for inaction. Indeed the enormity of the task should impress upon us the need to begin to move forward.

Rural community development is not simply a desirable goal but, increasingly, an urgent national necessity.

Mr. President, I ask unanimous consent that the Rural Development Highways Act be printed in the RECORD.

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

The bill (S. 3986) to amend title 23 of the United States Code, relating to highways, in order to promote the development of rural America, and for other purposes, introduced by Mr. PEARSON, was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 3986

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 "Rural Development Highway Act of 1970".

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is to encourage a more balanced geographical dispersal of the nation's population and economic activities, to generally promote the economic and social development of our rural communities, and to discourage undesirable trends of urban compaction through a more effective use, design, and location of highways in the Federal-aid system.

RURAL DEVELOPMENT HIGHWAYS

SEC. 3. (a) Title 23 of the United States Code is amended by inserting at the end of chapter 1 a new section as follows: "§ 142. Secondary System Rural Development Highways.

"(a) Effective for fiscal years beginning after June 30, 1971, thirty per centum of a State's apportionment for the Federal-aid secondary system for each fiscal year pursuant to section 104(b)(2) shall be used for rural development highways within such system. Such highways shall be selected in the manner provided for the selection of highways on the Federal-aid secondary system, except that they shall be in locations which will—

"(1) encourage the location of business and industry in rural communities;

"(2) facilitate the mobility of labor in sparsely populated areas;

"(3) facilitate the flow of tourist traffic into rural areas;

"(4) provide rural citizens with improved highways to such public and private services as health care, recreation, education, and cultural activities; or

"(5) otherwise encourage the social and economic development of rural communities.

No rural development highway shall be located in a standard metropolitan statistical area or in a county where less than 15 per centum of the families have an annual salary below the poverty level as determined by the Director of the Office of Economic Opportunity. The requirement of the last sentence in section 103(c) with respect to extensions of the secondary system into urban areas shall not apply to rural development highways.

"(b) Notwithstanding the provisions of section 120 the Federal share payable on account of any project for rural development highways in accordance with this section shall be 90 per centum of the cost of construction.

"(c) The Secretary shall, after consultation with the Secretaries of Agriculture, Commerce, and Housing and Urban Development and the Director of the Office of Economic Opportunity, establish criteria for the application of clauses (1) through (5) of subsection (a) of this section."

(b) There is authorized to be appropriated out of the Highway Trust Fund for the Federal-aid secondary highway system $494,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973.

FEDERAL-AID HIGHWAY SYSTEM STUDY COMMISSION

SEC. 4. (a) There is hereby established a Federal-Aid Highway System Study Commission (hereinafter referred to as the "Commission") which shall be composed of fifteen members as follows:

(1) three appointed by the President of the Senate from Members of the Senate;

(2) three appointed by the Speaker of the House of Representatives from Members of the House of Representatives; and

(3) nine appointed by the President, three from the executive branch of the Government and six from the general public.

Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment. The Commission shall elect a Chairman and a Vice Chairman from among its members. Eight members of the Commission shall constitute a quorum.

(b) The Commission shall make a full and complete investigation and study in order to determine how location and design of highway systems affect economic and population growth patterns and to submit recommendations as to how Federal-aid highway policy should be changed to more effectively encourage greater geographic dispersal of people and economic activity, to assure a more balanced economic and population growth across the country, and to discourage a continuation of those urban concentration patterns which are considered to be undesirable for economic, social, and environmental reasons.

(c) The Commission shall submit to the President and to the Congress a report with respect to its findings and recommendations not later than twelve months after the Commission has been fully organized.

(d) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this section, hold such hearings, take such testimony, and sit and act at such times and places as the Commission, subcommittee, or member deems advisable. Any member authorized by the Commission may administer oaths or affirmations to witnesses appearing before the Commission, or any subcommittee or member thereof.

(e) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Commission, upon request made by the Chairman or Vice Chairman, such information as the Commission deems necessary to carry out its functions under this section.

(f) Subject to such rules and regulations as may be adopted by the Commission, the Chairman, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, shall have the power—

(1) to appoint and fix the compensation of such staff personnel as he deems necessary, and

(2) to procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(g) (1) Any member of the Commission who is appointed from the Federal Government shall serve without compensation in addition to that received in his regular employment, but shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by him in the performance of duties vested in the Commission.

(2) Members of the Commission, other than those referred to in paragraph (1), shall receive compensation at the rate of $100 per day for each day they are engaged in the performance of their duties as members of the Commission and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Commission.

(h) The Commission shall cease to exist ninety days after the submission of its report.

(i) There are authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to carry out this section.

S. 3988 AND S. 3989—INTRODUCTION OF BILLS RELATING TO PROTECTION FOR SECURITIES INVESTORS

Mr. MUSKIE. Mr. President, at a hearing before a subcommittee the House Interstate and Foreign Commerce Committee earlier this week, the Chairman of the Securities and Exchange Commission, Hamer H. Budge, offered two alternative legislative proposals to provide protection for securities investors.

Because of their relevance to today's hearing on my bill, S. 2348, before the Senate Securities Subcommittee, I am introducing two bills by request, on behalf of myself and Senator WILLIAMS of New Jersey, chairman of the Subcommittee on Securities.

The PRESIDING OFFICER (Mr. CRANSTON). The bills will be received and appropriately referred.

The bills (S. 3988 and S. 3989) were received, read twice by their titles, and referred to the Committee on Banking and Currency, as follows:

S. 3988. A bill to amend the Securities Exchange Act of 1934, as amended, to provide greater protection for customers of registered brokers and dealers and members of national securities exchanges; and

S. 3989. A bill to provide greater protection for consumers of registered brokers and dealers and members of national securities exchanges.

SENATE JOINT RESOLUTION 214, S. 3990, AND SENATE JOINT RESOLUTION 215—INTRODUCTION OF TWO JOINT RESOLUTIONS AND A BILL ESTABLISHING A NATIONAL POPULATION POLICY: A PRUDENT APPROACH TO PRESERVING THE QUALITY OF AMERICAN LIFE

Mr. TYDINGS. Mr. President, few national issues have exploded into the public consciousness with the rapidity and dramatic impact of the population issue. Five years ago, population growth was a problem buried from public view in a shroud of misinformation and anachronistic political fears. It was considered improper and dangerous to even discuss the subject in the Halls of Congress. Today, thanks to the pioneering efforts of men such as Senator Ernest Gruening, Senator Joseph Clark, General William Draper, John D. Rockefeller III, and Paul Ehrlich, we not only can discuss family planning and population problems openly in the Congress, we must discuss them. Americans in increasing numbers are beginning to realize that unchecked population growth poses a critical threat to both our present standard of living and our future survival.

And the voters are starting to demand that their Government act.

PAST CONGRESSIONAL ACTION

How has Congress responded to date? In 1967, we enacted amendments to the Social Security Act and to the Equal Opportunity Act authorizing special project grants to provide family planning services to women who desire such services but cannot afford to purchase them from private medical sources. Congress also created the authority for State governments to offer family planning services to public assistance and medicaid recipients who request them.

This year for the first time, Congress looked beyond family planning at the problem of overall population growth and established a Commission on Population Growth and the American Future. Part of the Commission's legislative mandate calls for a careful investigation of the possibility of determining an optimum population level for the United States and developing means for achieving a birth rate consistent with that level.

Taken together, this legislative activity of the past 3 years hardly constitutes a serious attack on our population problems. But we have gotten our feet wet and indicated by these actions that Congress considers family planning and population policy within the proper purview of government.

THE NEXT STEP: A NATIONAL POPULATION POLICY

Now the time has come to take a major step forward: the development and implementation of a comprehensive national population policy.

However, formulating a sound national population policy first requires a review of what we know about the population problem—its causes, consequences and cures. Like any issue which surfaces suddenly into public view, population growth has been burdened with much misunderstanding and confusion; fact about population has been liberally mixed with fiction and exaggeration. So our initial task must be a careful separation of what we can state with confidence about America's population problems from what is myth or mere conjecture.

WHAT WE KNOW ABOUT POPULATION

Let us begin with what we know.

First, according to a study conducted for the Planned Parenthood-World Population's Social Science Committee, there are approximately 5 million women in this country who currently desire family planning services but cannot afford them. No more than 800,000 of these women—less than 20 percent—are now being helped through all public and private family-planning programs combined.

Based on the Nation's commitment to the principle of equal opportunity, it is clear that a national family planning policy is essential to provide every woman—rich or poor—with the same chance to plan the size and spacing of her family. As you know, last year I introduced legislation to authorize the service and research resources and the organizational framework in HEW to insure every woman this fundamental human right and thereby eliminate all unwanted fertility in the Nation. This bill, S. 2108, with 30 Senate cosponsors, has been reported favorably by the Senate Labor and Public Welfare Committee and should reach the floor shortly.

Second, we know that as many as 1.2 million women terminated unwanted pregnancies last year by means of medically induced abortions. But only 10,000 of these abortions qualified as therapeutic under our various State abortion laws. The rest were performed illegally, often by unqualified butchers and hacks, resulting in serious harm to the health of thousands of American women.

The abortion laws which promote this barbaric condition must be reformed.

The decision to have or not have an abortion must be preserved as a personal choice; a choice dictated by the individual's values and religious beliefs. It should not fall within the jurisdiction of the Government to either compel a woman to have an abortion or to constrain her from having an abortion.

Third, in a nation with finite space and resources, population stabilization—the balancing of births and death—is inevitable. As the National Academy of Sciences 1965 study, the Growth of U.S. Population, put it:

> If present fertility and mortality trends persist, (U.S.) population will surpass the present world population in a century and a half. And in about 650 years, there would be one person per square foot throughout the United States. In the very long run, continued growth of the United States population would first become intolerable and then physically impossible.

Therefore, differences aside concerning the Nation's carrying capacity and the time it will take to reach that capacity, there is no real debate over the necessity to eventually stabilize U.S. population growth. The issue is rather when and how.

Fourth, there are demonstrable costs associated with continued population growth both in terms of taxes and the quality of American life. While halting U.S. population growth would not eliminate any of our pressing national problems, it would make the solution of those problems less costly and complex.

Take, for example, the Nation's environmental crisis. The principal cause of environmental pollution in the United States today is high levels of goods consumption combined with a sophisticated and powerful technology. According to a recent Census Bureau study, if we could maintain our present population level of 205 million over the next 15 years, consumption in the United States would increase 90 percent by 1955 owing to the rapid growth of personal income in the Nation. However, if our current birth rate persists, consumption will increase by more than 120 percent in the next 15 years. In other words, while stabilizing our population will not automatically restore our environment, cleaning up our air and water will be markedly more expensive with 250 million Americans than with 203 million.

Similarly, rebuilding our cities into healthy, humane places to live over the next 30 years will be rendered considerably more difficult and costly by the appearance of between 78 and 120 million additional Americans in our urban areas by the year 2000—the estimated increase in size of the U.S. population by the end of this century if our birth rate is not reduced.

And all of the additional social costs associated with population growth can be translated into tax dollars. Every time a child is born in California, the State must set aside a minimum of $10,000 in additional public resources to provide services for that child until he becomes a self-supporting taxpayer. Given this kind of capital outlay for each additional American, there is every reason to believe that it is less expensive on a per capita basis to slow down population growth than to shoulder the taxpayers with the costs of a larger population.

Fifth, and finally, we know that any program to stabilize U.S. population size must rely on voluntary, noncoercive means.

The basic principle governing the disposition of civil liberties in a democratic society posits that the State only gains the right to deprive the individual of freedoms when the exercise of those freedoms constitutes a clear danger to the survival or well-being of the community; and that State abrogation of such freedoms can only occur after all reasonable alternatives short of compulsion have been tried and found wanting.

The United States has had no previous experience with attempts to slow the birth rate. We have no way of ascertaining yet whether voluntary incentives and public education will be sufficient to stem the population growth that is beginning to threaten us. Thus, until we exhaust the possibilities of developing effective voluntary programs, recourse to compulsion is inconsistent with our traditional commitment to maximize individual freedom.

These five statements comprise a brief summary of what we know at this juncture about the dimensions and nature of America's population problem. Here is what we do not know.

WHAT WE DO NOT KNOW ABOUT POPULATION

First, we do not know what impact an effective national family planning policy—that is, a policy to eliminate all births not desired by parents—would have on the U.S. birth rate. Undoubtedly, the birth rate would be reduced; some studies suggest by as much as 20 percent. But this is only speculation and the range of possible effects is quite wide.

Second, we do not know what constitutes an optimum population for this country. Virtually all population experts agree that the addition of 100 million more Americans over the next three decades would involve some costs. But there is little agreement over the magnitude and nature of those costs. Some argue that intelligent planning and effective population dispersal policies would enable us to integrate 100 million more Americans without seriously compromising our standard of living and the quality of our environment. Others predict that 100 million additional countrymen by the year 2000 will undermine our life-sustaining ecological systems and seriously threaten our survival.

The only indication that we may have already reached an optimum population size or surpassed it is an absence of those who claim that a population increase of 50 percent in the next 30 years would enhance the quality of American life.

Third, we do not know what kinds of voluntary incentives, economic rewards and educational programs would reduce the birth rate to a level consistent with securing a stable population size. Science has not yet discovered the determinants of family size. We know very little about parental motivation; why one family wants two children while the family next door wants six.

As a result, proposals such as those to limit income tax deductions to encourage smaller families—while useful symbols and stimulants to debate—are only blind experiments lacking an empirical basis.

WHAT CONCLUSIONS CAN BE DRAWN?

Having completed this cursory survey of the state of our present information in the population field, what sound policy conclusions can be drawn?

First, the establishment of a national family planning policy which includes the reform of outdated abortion laws is an essential element of equal opportunity in this country and promises a reduction in the Nation's birth rate—though the exact size of this reduction cannot be ascertained in advance. As I stated earlier, I believe S. 2108, the family planning legislation which will soon come before the Senate for a vote, is the logical legislative response to this national need.

Second, since the extreme claims often heard in connection with problems of population growth have not yet been justified with hard data, we should not allow them to dictate our policymaking decisions. On the one extreme we have the assertion that effective family-planning programs are sufficient to solve our aggregate population growth problem. This case that we need not go beyond family planning rests on the premise that desired births in this country will automatically equal the birth rate consistent with a stable population size—an argument which simply cannot be sustained with any scientific certainty at this time.

On the other hand, we hear warnings that, unless U.S. population growth is halted immediately by whatever means necessary—including alarmist proposals such as compulsory vasectomies after two children or sterilants in the drinking water—the survival of the Nation is in grave jeopardy. This apocalyptic claim, likewise lacks an empirical basis. While the addition of 100 million more Americans in the next three decades may be extremely costly and undesirable, there is no generally accepted evidence that such an increase would destroy our society. In other words, while stabilizing population may be a terribly urgent priority, there appears to be enough time to fully explore the feasibility of voluntary, noncoercive methods for bringing our birth rate into balance with our death rate.

Third, based on what we currently know and do not know about America's population problems, the development of a national population stabilization policy relying strictly on voluntary methods represents a prudent and necessary Government course of action.

We know that the U.S. population will have to be stabilized eventually or nature's culling tools of war, disease and famine will do the job.

We know that the rapid increase in our population we are now experiencing undermines the quality of life in this country, threatens the preservation of the ecological systems upon which we rely for sustenance, and promises to increase the average American's tax bill.

We know that, even if we could

achieve an average family size of two children immediately, it would take as much as a half century for population size in the United States to stabilize because of the number of women who have not yet completed or even reached their child-bearing years. In short, anyone who believes that halting our population growth by the year 2030—when the U.S. population will match India's present population of 450 million if our current birth rate persists—represents a sensible goal is compelled by the demographer's calculus to begin today.

And, finally, we know that, while the United States might be able to survive another doubling of the population, the planet cannot. This spaceship earth, particularly the developing section, is being dangerously threatened by unchecked population growth. Most of Asia, Africa and Latin America cannot survive a population doubling time of 25 years or less without experiencing famines, mass unemployment, and unceasing cycles of revolution and repression.

If we intend to convince the developing nations as cohabitants of this spaceship that their progress and survival as viable states demands a dramatic drop in the birth rate, it will have to be by example. If we are to convince the nations of Asia, Africa, and Latin America that stabilizing world population size is a requisite for global survival rather than a plot to limit the number of nonwhite peoples, we must begin by practicing what we preach.

A PROGRAM OF ACTION

Therefore, Mr. President, as a first step toward the development and implementation of a national population policy designed to stabilize U.S. population size by voluntary means, I am introducing the following legislation today.

SENATE JOINT RESOLUTION 214—INTRODUCTION OF A JOINT RESOLUTION COMMITTING THE NATION TO POPULATION STABILIZATION

Mr. President, first, on behalf of myself and Senators BAYH, BROOKE, CANNON, CHURCH, CRANSTON, DOLE, GOODELL, HART, MAGNUSON, MCGOVERN, METCALF, MONDALE, NELSON, PACKWOOD, PEARSON, PERCY, and SPONG, I am introducing a joint resolution to put the Congress officially on record in support of a national population stabilization policy.

The initial step in the solution of any urgent public problem is the recognition that the problem exists and governmental determination to find an acceptable solution. Therefore, I believe it is critically important that the Congress demonstrate its awareness that the United States has a serious population problem and express its willingness to begin devoting time and resources to the elimination of this problem.

This resolution states that it is the "policy of the United States to develop, encourage, and implement, at the earliest possible time, the necessary policies, attitudes, social standards and actions which will, by voluntary means consistent with human rights and individual conscience, stabilize the population of the United States and thereby promote the future well-being of the citizens of this Nation and the entire world."

Mr. President, I ask consent that the text of this joint resolution be printed at this point in my remarks.

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

The joint resolution (S.J. Res. 214) to set forth the policy of the United States with respect to the alleviation by voluntary means, of the problems presented by population growth, introduced by Mr. TYDINGS (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.J. RES. 214

Whereas in any nation with finite space and resources population stabilization will necessarily occur either through rational public policies to reduce the birth rate or nature's alternative of higher death rates;

Whereas population growth creates serious problems both at home and abroad;

Whereas all citizens of the United States seek a world with a healthy environment, clean air and water, uncluttered land, sufficient open spaces, natural beauty, and wilderness and wildlife in variety and abundance, in which the dignity of human life is enhanced;

Whereas an expanding population makes ever-increasing demands upon irreplaceable natural materials and energy resources;

Whereas unchecked population growth significantly increases the difficulty and cost of solving the social, economic, and political problems of the United States and directly contributes to the pollution and degradation of the environment;

Whereas it is only by its own example that the United States can hope to lead the fight to curb world population growth which is obstructing economic progress and threatening starvation, mass unemployment, and civil strife in the developing countries of Asia, Africa, and Latin America;

Whereas it is estimated that a half century or more may be required for population size within the United States to stabilize after a national average of two children per family is achieved;

Whereas the longer population stabilization is delayed, the more difficult and costly will become the measures required to achieve it; and

Whereas postponing the stabilization of United States population size will result in mounting tax bills and a deteriorating quality of life for every American;

Now therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States to develop, encourage and implement, at the earliest possible time, the necessary policies, attitudes, social standards and actions which will, by voluntary means consistent with human rights and individual conscience, stabilize the population of the United States and thereby promote the future well-being of the citizens of this Nation and the entire world.

S. 3990—INTRODUCTION OF THE POPULATION EDUCATION ACT OF 1970

Mr. TYDINGS. Mr. President, second, I am introducing a Population Education Act to provide the resources for a campaign to explain the dimensions and consequences of U.S. and global population growth to the American people. For until the public understands in personal terms the threat unchecked population growth poses to the quality of life in America and to the world our children will inherit, a successful solution to our population problems will elude our grasp.

This act consists of two titles. Title I authorizes the U.S. Commissioner of Education to make grants and enter into contracts with institutions of higher education and other public and private agencies for: the development of curricula on population dynamics for use in elementary, secondary, higher, and adult education programs; the testing, evaluation, and dissemination of population curricula; training programs on population dynamics for teachers, counselors, and community leaders; and the creation of community education programs, particularly for parents, by local educational agencies. Funds authorized for the implementation of title I are $10 million for fiscal year 1971, $14 million for fiscal year 1972, and $20 million for each of the next 2 fiscal years.

In addition, title I authorized the establishment of an Advisory Committee on Population Dynamics Education to make recommendations to the Commissioner of Education with respect to the administration of this act.

Title II provides authority for the Deputy Assistant Secretary for Population Affairs in HEW to make grants and enter into contracts for the development and dissemination of materials to inform the general public about the population problems that confront us. Special stress is placed in this title on the production of materials suitable for use by the mass media. One million dollars is authorized for this purpose for fiscal year 1971, $2 million for fiscal year 1972, and $5 million for each of the 2 succeeding fiscal years.

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

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

The bill (S. 3990) to authorize the U.S. Commissioner of Education to make grants to elementary and secondary schools and other educational institutions for the conduct of special educational programs and activities to enhance understanding of population dynamics and for other related educational purposes, and to authorize the Deputy Assistant Secretary for Population Affairs to develop and disseminate information on population dynamics, introduced by Mr. TYDINGS, 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. 3990

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 "Population Education Act of 1970."

STATEMENT OF PURPOSE

The Congress hereby finds and declares that unlimited population growth in this Nation may seriously threaten our natural resources and the quality of life; and that there is a lack of authoritative information and creative projects designed to increase knowledge of patterns and consequences of population growth; that this

lack of knowledge and the concern regarding growth have the potential of giving rise to coercive measures that would impinge on the privacy and threaten the freedom of all Americans.

It is the purpose of this Act to encourage the development of new and improved curriculums on population dynamics; to demonstrate the use of such curriculums in model educational programs and to evaluate the effectiveness thereof; to disseminate curricular materials and significant information for use in educational programs throughout the Nation; to provide training programs for teachers, counselors, and ancillary educational personnel and to offer community education programs for parents and others and to disseminate to the public at large information designed to enhance knowledge of population dynamics.

TITLE I—POPULATION DYNAMICS EDUCATION

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. There are hereby authorized to be appropriated $10,000,000 for the fiscal year ending June 30, 1971, $14,000,000 for the fiscal year ending June 30, 1972, and $20,000,000 for each of the next two fiscal years for the purpose of carrying out this Act. Sums appropriated pursuant to this section shall remain available until expended.

USES OF FUNDS

SEC. 102 (a) From the sums appropriated pursuant to section 101, the Commissioner of Education shall assist projects designed to educate the public on the problems of population dynamics by:

(1) making grants to or entering into contracts with institutions of higher education and other public or private agencies, institutions, or organizations, for:

(A) projects for the development of curriculums on population dynamics, including the preparation of new and improved curricular materials for use in elementary, secondary, higher, and adult education programs;

(B) pilot projects designed to demonstrate, and test the effectiveness of curriculums described in clause (A) (whether developed with assistance under this Act or otherwise);

(C) in the case of applicants who have conducted pilot projects under clause (B), projects for the dissemination of curricular materials and other significant information regarding population dynamics to public and private elementary, secondary, higher, and adult education programs;

(2) undertaking, directly or through contracts or other arrangements with institutions of higher education or other public or private agencies, institutions, or organizations, evaluations of the effectiveness of curriculums tested in use in elementary, secondary, higher and adult education programs involved in pilot projects described in paragraph (1)(B):

(3) making grants to institutions of higher education and local educational agencies to provide preservice and inservice training programs on population dynamics (including courses of study, institutes, seminars, workshops, and conferences) for teachers, counselors, and other educational personnel and various community leaders;

(4) making grants to local educational agencies for community education programs on population dynamics (including seminars, workshops, and conferences) especially for parents and others in the community.

(b) In addition to the purposes described in subsection (a), the Commissioner may make available not to exceed 5 per centum of the sums appropriated to carry out this Act for each fiscal year for payment of the reasonable and necessary expenses of State educational agencies in assisting local educational agencies in the planning, development, and implementation of population dyamics education programs.

APPROVAL OF APPLICATIONS

SEC. 103. (a) Financial assistance for a project under this Act may be made only upon application at such time or times, in such manner, and containing or accompanied by such information as the Commissioner deems necessary, and only if such application:

(1) provides that the activities and services for which assistance under this title is sought will be administered by or under the supervision of the applicant;

(2) sets forth a program for carrying out the purposes set forth in section 4 and provides for such methods of administration as are necessary for the proper and efficient operation of such program;

(3) sets forth policies and procedures which assure that Federal funds made available under this Act for any fiscal year will be so used as to supplement and, to the extent practical, increase the level of funds, be made available by the applicant for the purposes described in section 102, and in no case supplant such funds;

(4) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this title; and

(5) provides for making an annual report and such other reports, in such form and containing such information, as the Commissioner may reasonably require and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

(b) Applications from local educational agencies for financial assistance under this Act may be approved by the Commissioner only if the State educational agency has been notified of the application and been given the opportunity to offer recommendations.

(c) Amendments of applications shall, except as the Commissioner may otherwise provide by or pursuant to regulation, be subject to approval in the same manner as original applications.

CONSULTATION WITH OTHER FEDERAL AGENCIES

SEC. 104. (a) The Commissioner may not approve an application for assistance under this Act unless he has given the Deputy Assistant Secretary for Population and Family Planning of the Department of Health, Education, and Welfare an opportunity to review the application and make recommendations thereon within a period of not to exceed sixty days.

(b) The Secretary of Health, Education, and Welfare shall promulgate regulations establishing the procedures for consultation with other Federal agencies (including the consultation required by subsection (a)) and with other appropriate public and private agencies.

ADVISORY COMMITTEE ON POPULATION DYNAMICS EDUCATION

SEC. 105. (a) The Secretary of Health, Education, and Welfare shall appoint an Advisory Committee on Population Dynamics Education, which shall:

(1) advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, programs supported with assistance under this Act;

(2) make recomendations regarding the allocation of the funds under this Act among the various purposes set forth in section 102 and the criteria for establishing priorities in deciding which applications to approve, including criteria designed to achieve an appropriate geographical distribution of approved projects throughout all regions of the Nation;

(3) review the administration and operation of programs under this Act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, making recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for improvements in this Act to the Secretary for transmittal to the Congress; and

(4) evaluate programs and projects carried out under this Act and disseminate the results of such evaluations.

(b) The Advisory Committee on Population Dynamics Education shall be appointed by the Secretary without regard to the civil service laws and shall consist of twenty-one members. The Secretary shall appoint one member as Chairman. The Committee shall consist of persons familiar with education (including elementary, secondary, and adult education, and higher education), and with problems of population growth. The Committee shall meet at the call of the Chairman or of the Commissioner.

(c) Members of the Advisory Committee shall, while serving on the business of the Advisory Committee, be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per day, including traveltime; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 of the United States Code for persons in the Government service employed intermittently.

TECHNICAL ASSISTANCE

SEC. 106. The Secretary of Health, Education, and Welfare shall, when requested, render technical assistance to local educational agencies and institutions of higher education in the development and implementation of programs of population dynamics education. Such technical assistance may, among other activities, include making available to such agencies or institutions information regarding effective methods of dealing with various aspects of population dynamics, and making available to such agencies or institutions personnel of the Department of Health, Education, and Welfare or other persons qualified to advise and assist in coping with such problems or carrying out a population dynamics education program.

PAYMENTS

SEC. 107. Payments under this Act may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

ADMINISTRATION

SEC. 108 (a) The Commissioner may delegate any of his functions under this Act, except the making of regulations, to any officer or employee of the Office of Education.

(b) In administering the provisions of this Act, the Commissioner is authorized to utilize the services and facilities of any agency of the Federal Government and of any other public or private agency or institution in accordance with appropriate agreements, and to pay for such services either in advance or by way of reimbursement, as may be agreed upon.

DEFINITIONS

SEC. 109. As used in this Act:

(a) The term "Commissioner" means the Commissioner of Education.

(b) The term "elementary school" means a day or residential school which provides preschool or elementary education.

(c) The term "secondary school" means a day or residential school which provides secondary education.

(d) The term "institution of higher education" means an educational institution in any State which:

(1) admits as regular students only persons having a certificate of graduation from

a school providing secondary education, or the recognized equivalent of such a certificate;

(2) is legally authorized within such State to provide a program of education beyond secondary education;

(3) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree;

(4) is a public or other nonprofit institution; and

(5) is accredited by a nationally recognized accrediting agency or association or, if not so accredited, (A) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such an agency or association within a reasonable time, or (B) is an institution whose credits are accepted, on transfer, by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

Such term also includes any school which provides not less than a one-year program of training to prepare students for gainful employment in a recognized occupation and which meets the provisions of paragraphs (1), (2), (4), and (5). For purposes of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations which he determines to be reliable authority as to the quality of training offered.

(e) The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control of direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State, or, such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary school.

(f) The term "Secretary" means the Secretary of Health, Education, and Welfare.

(g) The term "State" includes, in addition to the several States of the Union, the Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) The term "State educational agency" means the State board of education or other agency or officer primarily responsible for the State supervision of public elementary and secondary schools, or, if there is no such officer or agency, an officer or agency designated by the Government or by State law.

TITLE II—POPULATION DYNAMICS INFORMATION

SEC. 201. There are hereby authorized to be appropriated $1,000,000 for the Fiscal Year ending June 30, 1971; $2,000,000 for the Fiscal Year ending June 30, 1972; and $5,000,000 in each of the succeeding two fiscal years for the purpose of carrying out this title. Sums available pursuant to this section shall remain available until expended.

SEC. 202. From sums available pursuant to section 201, the Deputy Assistant Secretary for Population Affairs in the Department of Health, Education, and Welfare is authorized to make grants and enter into contracts for the development and dissemination of materials to inform the general public on problems of population dynamics. These shall include but not be limited to materials suitable for use by the mass media.

SENATE JOINT RESOLUTION 215—INTRODUCTION OF A JOINT RESOLUTION RELATING TO A STUDY OF THE DETERMINANTS OF FAMILY SIZE

Mr. TYDINGS. Mr. President, third, and last, I am introducing a joint resolution urging the National Academy of Sciences to undertake a comprehensive, indepth study of the social and economic determinants of family size and of the impact that the various voluntary proposals for stabilizing U.S. population size would actually have on the birth rate.

We desperately need research and new data with which to develop noncompulsory methods for reducing the birth rate. Without reliable information on the determinants of family size and parental motivation, efforts to stabilize U.S. population size by voluntary means will surely fail.

To the best of my knowledge, very little social science research of this nature is currently being conducted by the National Institutes for Health or in our universities. It is for this reason I am calling on the National Academy of Sciences to undertake this urgent task.

I ask unanimous consent that the joint resolution be printed in the RECORD.

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

The joint resolution (S.J. Res. 215) to authorize the National Academy of Sciences to undertake a study of certain factors which should be considered in the formulation of a national population policy introduced by Mr. TYDINGS, 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.J. RES. 215

Joint resolution to authorize the National Academy of Sciences to undertake a study of certain factors which should be considered in the formulation of a national population policy

Whereas the formulation of a national population policy employing voluntary means to achieve a population level consistent with our needs and aspirations is difficult, if not impossible, without reliable information on the social and economic determinants of family size and an understanding of parental motivation;

Whereas it is the consensus of the natural and social scientists currently working in the population field that there is a lack of adequate information on the determinants of family size and on parental motivation to have children, and that virtually no research to supply this information is being conducted presently in the United States; and

Whereas stabilizing population growth in the United States is a matter of great urgency which requires decisive action as soon as the requisite information necessary for the formulation of sound public policy is made available: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the National Academy of Sciences is requested to undertake a thorough and complete study of—

(1) the determinants of, and the relationship between, family size and parental motivation to have children;

(2) the potential effect on the Nation's birth rate of the various proposals for voluntary programs designed to stabilize the size of the population of the United States; and

(3) the social, cultural, and economic conditions which affect family size other than specific measures designed to alter the birth rate.

The Academy shall give the highest priority to organizing the resources of the scientific community necessary to conduct this study in accordance with the charter of the Academy.

THIS GENERATION'S RESPONSIBILITY

Mr. TYDINGS. Mr. President, whether we wish it or not, fate has placed us at that point in history where a responsible, rational, moral solution to the population problem must be found. Failure to find such a solution can only result in an overcrowded, misery-ridden world in which population stability will eventually be secured by a brutal rise in the death rate rather than a rational, humanistic decline in the birth rate.

Make no mistake. Man is destined to travel one of these two roads to population stability—the birth rate approach or the death rate approach. Should we be forced to travel the latter, history and our progeny will rightly judge us harshly.

This Congress has the ability to guide this Nation and other nations along the moral, humane path. The only necessary ingredient is the will to do it.

S. 3991—INTRODUCTION OF A BILL TO PROVIDE SPECIAL TARIFF CLASSIFICATION FOR IMPORTS OF SKI BINDING PARTS

Mr. BENNETT. Mr. President, under the existing tariff classifications, imports of metal parts of ski bindings are imported under the same tariff classification as the ski bindings themselves. This has the unfortunate effect of making it more economical to import ski bindings manufactured with labor costs only a fraction of our American labor costs, rather than to import only the metal parts and use American labor to manufacture the complete ski bindings.

In other words, Mr. President, the present tariff classification of ski bindings gives an advantage to foreign producers. However, rather than raise the rate for the entire ski binding, the bill I am introducing today would reduce the rate on the metal parts that go into the manufacture of the ski binding. In this way we can help protect American jobs by making it more profitable to import the components and use American labor to assemble them into finished bindings here, rather than to import the finished product.

Mr. President, there is a firm in my State which has been a major manufacturer and exporter of ski bindings. That firm has used American labor to assemble ski bindings in the United States and to sell them here and abroad. It has received the much coveted Presidential "E" award for its exporting accomplishments. However, unless we make it more profitable to import ski parts rather than the finished product, this firm will move its major binding production to another country next year, and export the products back to the United States.

The bill I am introducing today would

establish a new tariff classification for ski binding parts—metal stampings—and establish an ad valorem rate of duty of 4 percent. Beginning in January 1971, the rate will drop to 3.5 percent, and on January 1, 1972, it will drop further to 3 percent.

Mr. President, this reduction in duty from the present rate of 12.5 percent will help preserve U.S. jobs. It is completely consistent with the philosophy of our tariff schedules of providing a lower rate of duty on components than on finished products, and is wholly consistent with international trade commitments.

The PRESIDING OFFICER (Mr. CRANSTON). The bill will be received and appropriately referred.

The bill (S. 3991) to reduce the rate of duty on parts of ski bindings, introduced by Mr. BENNETT, was received, read twice by its title, and referred to the Committee on Finance.

ESTABLISHMENT OF A FEDERAL BROKER-DEALER INSURANCE CORPORATION—AMENDMENT

AMENDMENT NO. 709

Mr. MUSKIE. Mr. President, when I introduced a bill—S. 2348—to establish a program of insurance for the protection of securities industry customers a year ago, it did not find enthusiastic reception either in the securities industry or elsewhere. Sporadic failures in the brokerage business, even among some larger firms, did not seem to provide sufficient incentive for action in this field, despite the overwhelming importance of capital market stability to our economic life and health.

But now successive months of almost unparalleled erosion of prices and volume, a direct consequence of widening public uncertainty and unease over administration policies both at home and abroad, have changed the picture. The securities industry, accustomed to rendering financial advice, is itself beset with financial problems on a scale which, though not yet disastrous, leaves no room for either optimism or patience. Increasingly, firms find themselves unable to meet even the relatively modest net capital requirements imposed by the SEC or self-regulatory bodies. Increasingly they seek to solve these problems by merger as one of the few alternatives to public offerings in a disinterested market. And increasingly the public has become aware of the risks inherent in a situation unlikely to disappear even if a bull market were to return—an event no one is willing to predict.

As a result of these events, I now discover interest in my proposal has been aroused on all sides. I was pleased to note that President Nixon in his economic address on June 17 mentioned the importance he attaches to constructive legislation in this field. But even before the President's remarks, our efforts have produced various proposals from the industry as well as from the SEC.

Today I am submitting on behalf of myself and Senators HART, MCINTYRE, METCALF, MONDALE, and MOSS, an amendment to S. 2348 which reflects many of the constructive views embodied in these proposals.

In submitting this amendment, I hope that we can move to a speedy and constructive conclusion in the best interest of both the securities industry and the public.

The major differences between the version of S. 2348 now before the Banking Committee and the version I introduced today are as follows:

The new version provides broader and more explicit supervisory and oversight authority, as well as exemptive powers, for the SEC, partly as a matter of reiteration of authority already available to the SEC. Also, the bankruptcy provisions as now written reflect the thinking and research of both the SEC and the industry as expressed in proposals each has recently submitted. Further, we have introduced a suggested reserve of $75 million as an appropriate size for the Corporation's insurance fund in periods when no Treasury borrowings are outstanding. However, this figure is discretionary. In the event that a Treasury loan is outstanding to the Corporation, the assessment rate for the industry would be adjusted upward to facilitate timely repayment of such loans.

Treasury borrowing authority under the new version has been reduced to $1 billion, from the earlier $3 billion. Insurable coverage is not extended to other broker-dealers. Two additional amendments worthy of note are an improved definition of insurable risk, and the substitution of an independent auditor for the GSA.

I ask unanimous consent that the text of the amendment be printed in the RECORD at this point.

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

The amendment (No. 709) was referred to the Committee on Banking and Currency, as follows:

AMENDMENT NO. 709

Strike out all after the enacting clause and insert in lieu thereof the following:

SHORT TITLE

SECTION 1. This Act may be cited as the "Securities Investor Insurance Act".

SEC. 2. The Securities Exchange Act of 1934 is amended by adding the following new section:

"SEC. 35(a) There is hereby established a body corporate to be known as the 'Securities Investor Insurance Corporation' (hereinafter referred to as the 'Corporation'). The Corporation shall be a nonprofit corporation and shall have succession until dissolved by Act of Congress. The Corporation shall be an instrumentality of the United States Government.

"(b) The Corporation shall be under the direction of a Board of Governors which shall consist of the members of the Securities and Exchange Commission who shall serve, ex officio, as members of the Board without additional compensation. The principal office of the Corporation shall be in the District of Columbia.

"(c) The Board of Directors shall meet at the call of its Chairman, or as otherwise provided by its bylaws. The Board shall determine the policies which shall govern the operations of the Corporation.

"(d) (1) The Corporation shall establish a fund to carry out its operations under this section. All fees and assessments collected by the Corporation shall be paid into the fund. All expenses of the Corporation shall be paid from the fund.

"Brokers and dealers shall be assessed, under rules and regulations of the Corporation (which may grant exemptions), at a rate which will result in total annual assessment income to the Corporation of not more than $25,000,000.

"(2) Each year, the premium is to be paid by an insured broker or insured dealer shall, subject to subsection (d) (3) of this Act, depend on risk factors determined by the Corporation to be relevant. Risk factors shall include, but not be limited to, giving reasonable consideration to (i) membership in a guarantee fund or plan which is approved by the Corporation and has substantial reserves kept in a separate account that is required to be applied to indemnify holders of insured customer accounts or insured liabilities, and (ii) varying practices among broker-dealers or members of exchanges or classes thereof with reference to the method of conduct of their respective business and consequent risks to their customers, including but not limited to whether and to what extent such persons hold 'free-credit balances' of customers, or accept payments from customers in advance of delivery of securities, or accept custody of customer owned securities, or segregate their business as agents for customers from that as dealer, including underwriter; and (III) such fees or charges as may be payable for the purpose of contribution to any exchange or securities association trust or other fund for the protection of customers of particular classes of broker-dealers.

"(3) All assessment income after deducting the operating expenses of the Corporation, including interest or borrowings from the Treasury, shall be set aside as a reserve for possible insurance losses and all losses paid shall be charged to the reserve. In any year that the balance in the reserve reaches $75,000,000 or such amount which the Corporation considers reasonable, the Corporation shall adjust the assessment rate for the succeeding year so that assessment income will approximate (i) the annual expenses of the Corporation, including interest on Treasury borrowings, and (ii) insurance losses incurred in the most recent calendar or fiscal year.

"(e) Any national securities exchange or registered national securities association of securities dealers may transfer funds to the Corporation at any time, and these funds shall constitute an advance payment of fees and assessments on behalf of members of such exchange or association.

"(f) In the event that moneys in the fund are or may reasonably appear to be insufficient for the purposes of this section, the Treasury is authorized to make loans to the Corporation.

"To enable the Treasury to make such loans, the Corporation is authorized to issue to the Secretary of the Treasury notes or other obligations in an aggregate amount of not to exceed $1,000,000,000 in such forms and denominations, bearing such maturities, and subject to such terms and conditions, as may be prescribed by the Secretary of the Treasury. Such notes or other obligations shall bear interest at a rate determined by the Secretary of the Treasury, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities during the quarter preceding the issuance of the notes or other obligations. The Secretary of the Treasury is authorized and directed to purchase any notes and other obligations issued hereunder and for that purpose 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 pur-

poses for which securities may be issued under that Act, as amended, are extended to include any purchase of such notes and obligations. The Secretary of the Treasury may at any time sell any of the notes or other obligations acquired by him under this subsection. All redemptions, purchases, and sales by the Secretary of the Treasury of such notes or other obligations shall be treated as public debt transactions of the United States.

"(g) At the time of application for, and as a condition to, any such loan the Corporation shall file with the Treasury a statement with respect to the anticipated use of the proceeds of the loan and a plan providing for the imposition of the minimum additional fees and assessments intended to be collected during the term of the loan. Such additional fees and assessments, which shall not be limited in amount by any other provisions of this Act, shall take into account varying practices among brokers and dealers with respect to the method of conduct of their business and consequent risks to their customers. The Corporation shall certify to the Secretary of the Treasury that such loan is necessary for the protection of customers of brokers and dealers and maintenance of confidence in the United States securities markets. Notwithstanding the provisions of any plan, the Corporation may, taking into account the ability of the industry to pay and to continue to function effectively at any time during the period when such loan may be outstanding, either impose such further additional fees and assessments as it may conclude to be reasonable in order to expedite the repayment of such loan or, with the approval of the Secretary of the Treasury, either reduce existing fees and assessment, or extend the maturities of outstanding indebtedness of the Corporation.

"(h) The Corporation shall have power—

"(1) to sue and be sued, complain and defend, in its corporate name and through its own counsel;

"(2) to adopt, alter, and use the corporate seal, which shall be judicially noticed;

"(3) to adopt, amend, and repeal by its board of directors such bylaws, rules, and regulations relating to the conduct of its business as the Commission may approve or require as provided in subsection (1);

"(4) to conduct its business, carry on its operations, and have offices and exercise the powers granted by this section in any State without regard to any qualification or similar statute in any State;

"(5) to lease, purchase, or othewise acquire, own, hold, improve, use or otherwise deal in and with any property, real, personal or mixed, or any interest therein, wherever situated;

"(6) to accept gifts or donations of services, or of property, real, personal or mixed, tangible or intangible, in aid of any of the purposes of the Corporation;

"(7) to sell, convey, mortgage, pledge, lease, exchange and otherwise dispose of its property and assets;

"(8) to 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;

"(9) to invest in securities issued or guaranteed by the United States or an agency thereof; and

"(10) to enter into contracts, to execute instruments, to incur liabilities, and to do all things as are necessary or incidental to the proper management of its affairs and the proper conduct of its business.

"(i) (1) Whenever it shall appear to the Corporation that any broker or dealer registered pursuant to section 15(a) of this Act or any member of a national securities exchange not exempted by the Corporation pursuant to subsection (d) (1) hereof (herein called the debtor) is in danger of failing to meet its outstanding obligations to customers, the Corporation in its discretion may apply to any court of competent jurisdiction as specified in sections 27 and 21(e) of this Act and upon notice to the debtor obtain a decree adjudicating that customers of the debtor are in need of protection under this section. If a national securities exchange or a registered national securities association has reason to believe that a debtor is in danger of failing to meet its outstanding obligations as defined in this paragraph it shall immediately notify the Corporation. For purposes of this subsection, the court shall deem the debtor to be in danger of failing to meet its obligations if it is insolvent within the meaning of section 1(19) of the Bankruptcy Act, or is unable to meet its obligations as they mature, or has committed an act of bankruptcy, or is the subject of a proceeding in which a receiver, trustee, or liquidator has been appointed pending in any court or before any agency of the United States or any State, or is not in compliance with requirements under the Act or rules of the Commission, the Corporation, or any national securities exchange or registered national securities association with respect to net capital, hypothecation of customers' securities, or the maintenance or preservation of books and records, or is unable to make such computations as may be necessary to establish compliance with such net capital requirements. In the discretion of the Corporation, an application under this subsection may be combined with any action brought by the Corporation or the Commission including an action by it for a temporary receiver pending an appointment of a trustee under this subsection. 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 the application, the court shall forthwith grant an application which satisfies the requirements of this subsection. For the purposes of assessment and coverage, the provisions of this section shall not apply to any office of a debtor outside the United States if the head office and principal business of the debtor are not within the United States, unless otherwise provided by rule or regulation of the Corporation.

"(2) The purpose of a proceeding under this section shall be:

"(A) To provide for prompt payment and satisfaction, insofar as is possible, of the debtor's obligations to customers relating to securities and obligations owing to other brokers and dealers on open securities transactions made for and on behalf of customers in the ordinary course of business;

"(B) To enforce rights of subrogation to claims as specified in paragraph (11) of this subsection;

"(C) To the extent not inconsistent with purposes (A) and (B), to liquidate the debtor.

"(3) Such application may be filed notwithstanding the pendency in the same or any other court, of any bankruptcy, mortgage foreclosure, equity receivership proceeding or any similar proceeding to reorganize, conserve, or liquidate the debtor or its property, or any proceeding to enforce a lien against property of the debtor. Upon the filing of such application, the court in which application is brought shall have exclusive jurisdiction of the debtor and its property wherever located.

"(4) Upon the filing of the application by the Corporation and pending an adjudication under this subsection, the court may stay any prior pending bankruptcy, mortgage foreclosure, equity receivership or other proceeding to enforce a lien against property of the debtor any other suit against the debtor, or against any receiver, conservator, or trustee of the debtor or its property, and the court may appoint a temporary receiver. Upon such adjudication, the court shall stay or continue the stay of any such prior suit or proceeding, and shall appoint a trustee for the defendant and its property. Such trustee shall be vested with the same powers and title with respect to the defendant, its property and the same rights to avoid preferences as a trustee in a bankruptcy and a trustee under Chapter X of the Bankruptcy Act have with respect to a bankrupt and a Chapter X Debtor.

In any proceeding under this subsection, customers and their subrogees shall have the rights of priorities specified in section 60e of the Bankruptcy Act except of a national securities exchange which is the subject of a proceeding under this paragraph, and, in determining whether particular customers are able to identify specifically their property, whether property remained in its identical form in the stockbroker's possession or such property or any substitutes therefor has been allocated to or physically set aside for such customer, and remained so allocated or set aside, it shall be sufficient if

"(A) securities are segregated individually, or in bulk for customers collectively, or

"(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 depository, the records of the debtor show that all or a specified part of the certificates representing 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 specific customers entitled to receive specified numbers of units of such securities so held for customers collectively, *Provided,* That if there is any shortage in any class of securities so segregated in bulk or held for customers collectively, as compared to the aggregate rights of individual customers to receive specified securities, the respective interests of such customers in such securities shall be pro rated, without prejudice, however, to the satisfaction of any claim for deficiencies out of the funds provided in this section.

"(5) In any such proceeding the court shall designate as trustee and as attorney for the trustee, such person as the Corporation shall specify provided that no person shall be permitted to qualify as such trustee or attorney if such person is not "disinterested' within the meaning of section 158 of the Bankruptcy Act.

"(6) It shall be the duty of the trustee, to the extent feasible, to discharge promptly all obligations of the debtor owing to each of its customers relating to securities and owing to other brokers and dealers on open securities transactions made for and on behalf of customers in the ordinary course of business. Such obligations shall be discharged by the delivery of securities or effecting payments insofar as they 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 funds made available by the Corporation notwithstanding the fact that there may have been no formal proof of such claims or no showing or determination that there are sufficient funds of the debtor available to make such payment;

"(B) Authorize the trustee to satisfy claims to deliver specific securities, 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

"(i) securities to satisfy such claim are sufficiently identified;

"(ii) there is a deficiency of identified securities, but funds are made available by the Corporation to purchase such securities; or

"(iii) there is an unresolved controversy as to whether there is a deficiency of sufficiently identified securities, and funds are committed by the Corporation to reimburse the estate of the debtor, depending upon the outcome of such controversy, if particular securities in such estate are distributed in satisfaction of such claim.

"(C) Authorize the trustee, on the direction of a customer with a claim to undelivered securities, to sell such securities if and to the extent that—

"(i) the books and records of the debtor show that the customer has such a claim; and

"(ii) securities sufficient to satisfy such a claim are sufficiently identified.

Any payment, sale, or delivery of securities pursuant to this subsection 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 any claimant filing formal proof of claim for any balance of securities or cash to which he may deem himself entitled, and any cash received for any securities sold pursuant to subparagraph (C) of this subsection shall thereafter be treated as equivalent to such securities for the purpose of this section;

"(D) Authorize the trustee to establish a procedure for fixing the value of unverified or insufficiently identified claims.

"(7) The provisions of this subsection permitting discharge of obligations of the debtor to pay cash or to deliver securities, without formal proofs of claim or with funds committed or made available by the Corporation shall not include any person 'associated' with the debtor as defined in section 3(a)(18) or any holder of one percent or more of the voting stock of the debtor or any member of the immediate family of any of the foregoing.

"(8) In order to provide for prompt payment and satisfaction of obligations the Corporation shall make available to the trustee such of its funds as may be required to pay or otherwise satisfy claims relating to securities of each customer in full but not to exceed $50,000 or such greater amount as the Corporation may determine with the approval of the Commission: *Provided*, That no limitation shall apply to the completion of open securities transactions of the debtor made for and on behalf of customers in the ordinary course of business; and *Provided further*, That in the case of a person acting as agent who transacts business for third parties through an account or accounts with a broker, dealer, or member of a national securities exchange, for purposes of the $50,000 limitation, the term 'customer' shall not be limited by the number of such accounts but shall include each such third party insofar as the claims of such third parties are ascertainable from the books and records of either the debtor or the person acting as agent made available to the trustee or are otherwise determined to the satisfaction of the trustee.

"(9) For the purposes of the $50,000 limitation of this subsection, the amount of the claims of each customer shall be determined as of the date of bankruptcy or the date of filing of the application, whichever shall occur first.

"(10) Nothing in this section shall limit the rights of any person to establish by formal proof such rights as such person may have to payment, or to delivery of specific securities without resort to such funds as may be made available by the Corporation.

"(11) If and to the extent that provision is made to satisfy the claims of customers out of any funds made available by the Corporation, the Commission, or the United States, or any agency or instrumentality thereof, or by any national securities exchange or registered national securities association, the provider of such funds shall be subrogated to the claims of such persons including the rights and priorities established under paragraph (4) of this subsection.

"(12) Without limiting the powers and duties of the trustee to discharge promptly obligations as specified in this subsection the court may make appropriate provision for proof and enforcement of all other claims against the debtor including claims of any provider of funds pursuant to paragraph (11) of this subsection as subrogee; and, subject to the order of the court, the proceeding shall be conducted in accordance with the provisions of Chapter X and such of the provisions of Chapters I through VIII inclusive, of the Bankruptcy Act as section 102 of Chapter X makes applicable, except as inconsistent with the provisions of this subsection and except that such trustee shall not consider the formulation of a plan of reorganization.

"(13) Notwithstanding the limitations contained in section 19(b) of the Act and without limiting its powers under other sections of the Act the Corporation by rule, regulation or order: (i) may require any registered securities association and any national securities exchange to adopt any specified alteration of or supplement to its rules, practices and procedures with respect to the frequency and scope of inspections and examinations of its members and the selection and qualifications of examiners and may require such exchanges and associations to furnish the Corporation with such reports and records or copies thereof relating to the financial condition of its members as the Commissioner may consider necessary or appropriate and may make or require inspections and examinations of such exchanges or associations or their members relating to any of the foregoing matters as it may consider necessary or appropriate; and (ii) is authorized to make, issue, and rescind such rules, regulations and orders with respect to the acceptance of custody and use of customers' securities, and the carrying and use of customers' deposits or credit balances as the Commission may consider necessary or appropriate to minimize the risks of failure to meet obligations to customers and to reduce the expenses of providing against such risks.

"(j) Unless specifically authorized by the Commission, no registered broker or dealer or member of a national securities exchange that is in arrears in any financial obligation arising under this section to the Corporation, the Commission, or to any national securities exchange or any registered national securities association shall continue to engage in or conduct any securities business.

"(k) The Corporation, its property, its franchise, capital, reserves, surplus, and its income, shall be exempt from all taxation now or hereafter imposed by the United States or by any State or local taxing authority.

"(l) The Corporation shall, as soon as practicable after the end of each fiscal year, transmit to the President and the Congress, an annual report of its operations and activities.

"(m)(1) The accounts of the Corporation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The audits shall be conducted at the place or places where the accounts of the Corporation are normally kept. All books, accounts, financial records, reports, files, and all other papers, things, or property belonging to or in use by the Corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents and custodians shall be afforded to such person or persons.

"(2) The report of each such independent audit shall be included in the annual report required by subsection (1) of this section. The audit report shall set forth the scope of the audit and include such statements as are necessary to present fairly the Corporation's assets and liabilities, surplus or deficit, with an analysis of the changes therein during the year, supplemented in reasonable detail by a statement of the Corporation's income and expenses during the year, and a statement of the sources and application of funds, together with the independent auditor's opinion of those statements.

"(n) Whoever steals, unlawfully abstracts, unlawfully and willfully converts to his own use or to the use of another, or embezzles any of the monies, funds, securities, credits, property or 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.

"(o) Any broker or dealer, or any officer, director, partner, owner of 10 percent or more of the voting securities or controlling person of such broker or dealer thereafter shall be ineligible to be a broker or dealer, or to be associated with a broker or dealer included within the coverage of the Corporation if such broker or dealer has received funds or caused funds to be obligated from the Corporation on its behalf, unless the Commission otherwise determines in the public interest.

"(p) This Act shall become effective on ————, except that, with the approval of the Commission, the Corporation may be substituted for or joined with the Commission in any action instituted by the Commission on or after the date of the introduction of this Act and for the purposes of such action the provisions of this Act shall be fully applicable as if it were in effect as of that date."

SEC. 3. Subsection (c) of section 24 of the Securities and Exchange Act of 1934 is amended to read as follows:

"(c) It shall be unlawful for any member, officer, or employee of the Commission to disclose to any person other than a member, officer, or employee of the Commission, or to use for personal benefit, any information contained in any application, report, or document filed with the Commission which is not made available to the public pursuant to subsection (b) of this section: *Provided*, That the Commission may make available to the Treasury Department, the Board of Governors of the Federal Reserve System, or the Securities Investor Insurance Corporation any information requested by the Treasury Department, the Board, or the Corporation for the purpose of enabling the Department, the Board, or the Corporation to perform its respective duties under this title."

SEC. 4. (a) Each insured broker and insured dealer shall display at each place of business maintained by it a sign or signs, and include in all its advertisements a statement, to the effect that its customer accounts are insured by the Corporation: *Provided*, That the Board of Directors may exempt from this requirement advertisements which do not relate to customer accounts or when it is impractical to include such statement therein. The Board of Directors shall prescribe by regulation and forms of such signs and the manner of display and the substance of such statements and the manner of use. For each day an insured broker or insured dealer continues to violate any provisions of this subsection or any lawful provisions of said regu-

lations, it shall be subject to a penalty of not more than $100, which the Corporation may recover for its use.

(b) The Corporation may require any insured broker, insured dealer, or stock clearing corporation to provide protection and indemnity against burglary, defalcation, and other insurable losses. Whenever any insured broker, insured dealer, or stock clearing corporation refuses to comply with any such requirement the Corporation may contract for such protection and indemnity and assess the refusing party.

(c) Any insured broker or insured dealer which willfully fails or refuses to file any certified statement, or pay any assessment, required under this Act shall be subject to a penalty of not more than $1,000 for each day that any such violation continues, which penalty the Corporation may recover for its use.

AUTHORIZATION OF APPROPRIATIONS FOR PROCUREMENT OF AIRCRAFT, MISSILES, AND OTHER WEAPONS FOR THE ARMED FORCES—AMENDMENT

AMENDMENT NO. 710

Mr. TYDINGS. Mr. President, word has reached me today that the Army is initiating action to transfer 1,380 civilian Maryland residents and 200 military personnel from Fort Detrick in Frederick, Md., to the Dugway Proving Ground for biological warfare in Dugway, Utah. Absolutely no justification has been offered for this serious uprooting of Maryland residents by the Office of the Secretary of the Army or by any other official of the Government.

Therefore, to prevent this costly and inconvenient uprooting of more than 1,500 Marylanders, I am submitting in the Senate today an amendment intended to be proposed by me to the military procurement bill—H.R. 17123—to prevent the transfer of any personnel, operation or equipment from Fort Detrick to any other Government facility in the United States

Senator McINTYRE, of New Hampshire, chairman of the Armed Services Subcommittee on Research and Development, has agreed to hold a conference next Tuesday with appropriate officials of the Department of the Army in order to ascertain all of the pertinent facts.

The Pentagon has indicated in the past that it plans to convert Fort Detrick into a health facility under HEW which would employ the scientists currently working at the fort. But suddenly uprooting hundreds of people to be shipped across the country is hardly the way to bring about the planned conversion.

Therefore, I am also requesting assurances from the President that no personnel will be transferred from Fort Detrick. If the White House wishes to convert Fort Detrick into a health-research facility, let the Army and HEW produce a reasonable transition plan that does not require major personnel transfers.

I will not stand by silently while hundreds of residents of this State are shipped across thousands of miles with no regard for their personal lives and families because of the thoughtlessness of certain Government officials.

The PRESIDING OFFICER (Mr. CRANSTON). The amendment will be received and printed, and will lie on the table.

COMMENCEMENT ADDRESS AT STANFORD UNIVERSITY

Mr. PERCY. Mr. President, last Sunday, I had the privilege of delivering the commencement address at one of this country's finest academic institutions, Stanford University. I discussed topics which I think concern us all today—the right of individuals to dissent, and the parallel right of a society to be free from serious disorders; the very real threat of repression, and the equally menacing dangers of violence.

Mr. President, let me add a personal note, that this commencement address was one of the more difficult speeches for me to make because my son was in the graduating class at Stanford last Sunday.

I find that all of my children are my severest critics in anything that I say publicly. However, I trust that this address not only satisfied my son, but also will answer some of the questions which were on the minds of the graduating class at Stanford.

Mr. President, in order that I may share my thoughts in detail with my colleagues, I ask unanimous consent that the text of my remarks be printed in the RECORD.

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

COMMENCEMENT ADDRESS BY SENATOR CHARLES H. PERCY, STANFORD UNIVERSITY, SUNDAY, JUNE 14, 1970

I speak to you during an unhappy period in our national life. Social critics and historians tell us that we are more deeply divided as a people than we have been since the Civil War. Whether or not this analysis is precisely accurate is immaterial. By any standard, it is apparent that the nation is profoundly troubled.

We even have developed a new vocabularly to cover our maladies; we talk of "polarization," of a "national malaise," of a "crisis of confidence." But we often seem powerless to cope with our problems, however they are described. Our efforts to respond to the conditions that divide us have been halting and, too often, misguided. Too frequently we have operated on the fallacious premise that we can somehow restore national unity by limiting the rights of some of our citizens.

The quandary in which we now find ourselves is doubly perplexing because we are accustomed to success. Historically, there has been no frontier, no enemy, no scientific or technical problem that did not eventually succumb to American might, American genius, American will. The difficult would be done today, the impossible by Wednesday or Thursday.

But today America faces problems without parallel in our experience. In the context of 1970, technological, military and economic greatness are not sufficient to create a sense of national well-being. We are drifting—and, in some cases, being torn—apart. Many concerned Americans feel as though they are flailing in quicksand.

In Southeast Asia, we are involved in a seemingly pointless and endless war that has drained our treasury, maimed and killed tens of thousands of our best young men and left an indelible stain on our character in the opinion of many. Instead of having the support of our traditional allies, we have become a pariah in the eyes of many of them. It is a new, and agonizing, role.

Here at home, we find antagonisms between classes, generations, races, regions. Tolerance of minority thought, word and deed continues to wane. Far too often, it is impossible for two individuals or two groups to resolve their differences peaceably. Invective and confrontation have been substituted for reason and judicious compromise.

These divisions beset us at a time when we urgently require a massive national effort to solve an extraordinary array of serious domestic problems. They rob us of our natural vigor and replace it with depression and doubt. As we concentrate on what separates us, rather than what binds us together, we find that we have lost sight of the goals that are important to this nation. We suffer from a dangerous internal disease, and its principal symptoms are our distorted priorities.

Today we are able to appropriate billions of dollars for a war in Indochina, but we are unable to provide adequate funding for a war on poverty.

We can authorize hundreds of millions of dollars for a dubious project such as the supersonic transport, which will further contaminate an already polluted atmosphere, but we cannot fully fund adequate anti-pollution efforts.

We can build Army barracks in Vietnam, Japan and Europe to house the troops that protect our allies abroad, but we do not have the money to provide our own poor with adequate shelter from the elements.

We can spend billions to send astronauts to the moon, but we cannot devise ways for Earth-bound Americans to travel safely, comfortably and economically within American cities.

We are able to commit billions each year to limiting crop production, yet we reject appropriations that would provide much-needed food for hungry Americans.

We can spend billions on military hardware to quiet our obsessive fears about a Communist threat from without, but we cannot get sufficiently concerned about the far graver threats that imperil us from within.

As the cleavages in American society grow wider, fewer people remain committed to the broad political center that historically has led the battle against internal decay. Moderates become radicals, conservatives are transformed into reactionaries. The camps of the far-left and the far-right swell with new converts.

What this situation could portend for this country was vividly described in a recent speech on the floor of the Senate by Senator Margaret Chase Smith of Maine. The senator warned that a new era of right-wing repression could occur in this country in reaction to the "anti-democratic arrogance and nihilism from the political extreme left."

If the narrow choice between anarchy and repression has to be made, she said, "the American people, even with reluctance and misgiving, will choose repression."

This is an ominous warning, and Mrs. Smith is not alone in her opinion. A poll conducted recently by CBS News suggests that a large portion of the American people already may be prepared to waive fundamental constitutional guarantees to enhance their individual comfort and security.

In the CBS poll, 1,136 typical Americans were interviewed on the Bill of Rights, as applied to current situations. I was shocked and disturbed by the findings. They show:

That half of the 10 Amendments which comprise the Bill of Rights were rejected by those interviewed.

That 76 per cent favored outlawing protest against the government even when there was no danger of violence.

That 58 per cent believed the police should

be allowed to hold people in jail before they gather evidence.

That 58 per cent opposed the double jeopardy standard, arguing that if a man were found innocent of a crime, but new evidence subsequently were uncovered, he should be tried again for the same crime.

It is impossible to overestimate the dangers inherent in this repudiation of the rights and liberties that have nourished this nation for nearly two centuries. Repressive attitudes already have begun to manifest themselves in the national government, in the form of measures that in normal times would be consigned to the legislative scrap heap, but today are being seriously debated.

One of the bills which represents a significant threat to our freedoms—one which is typical of the contagion of repression flowing through the Congress—is the District of Columbia Crime Bill. I will not dwell on all of the distasteful features of this near-sighted, vindictive bill, but permit me to mention one example, the provision for "no-knock" entries. This provision deviates completely from the long-established principle that a man's home is his castle. It authorizes conduct by the state not dissimilar to that of a common burglar.

Justice and a free society will be the victims if the D.C. Crime Bill—or any of the others which sacrifice our cherished rights and traditions to public hysteria—are enacted. If repression gets a foothold, it will not be easily dislodged. And you and I and our children will pay the price of fear for years to come.

More than a century ago, Abraham Lincoln said that "It is a sin to be silent when it is your duty to protest." I state today it is your duty, my duty—the duty of every American who believes that the function of law in a democracy is to insure liberty—to protest vigorously against the recurring legislative threats to our fundamental protections.

Ten years ago I would have dismissed as ludicrous the notion that the people of this country would be threatened by an abridgement of their constitutional rights in my lifetime. Today I am far less sanguine. We have been plunged into a crisis that few anticipated. And, as Alexander Hamilton observed at the time the Bill of Rights was first conceived, nothing is more common in times of crisis than "to gratify momentary passions by letting into government principles and precedents which afterwards prove fatal."

As the crescendo of dissent thunders forth on the far left, with its concomitant reaction on the far right, this will be a time of testing for that shrinking majority of nonviolent Americans located between the two extremes.

Basically, the test will involve these questions: Are we willing, as a society, to compromise our dedication to constitutional principles in volatile times? Are we willing to let fear become the dominant force in our lives?

Unless the answer to both of these questions is a resounding "no," the future will be bleak indeed. We will either affirm our commitment to liberty and the democratic process over the next few years, or we will admit that the Constitution is a document applicable only to tranquil times.

It is easy to uphold the right of free speech when the only dissenting sounds to be heard are those of constructive criticism by a *responsible* and loyal opposition. But what will be this society's response if it knows that it will hear a bedlam of articulate, rebellious voices summoning a whole generation to attack the foundations of our nation?

It is easy to uphold the right to assemble if we are likely to see an orderly line of pickets carrying innocuous signs. But how will most Americans react to the sight of thousands of militants marching in protest against the basic policies of our lawfully elected government?

It is easy to uphold the right to petition the government when requests are neatly and properly presented and an immediate reply is not expected. But how will the nation as a whole respond when the behavior of the petitioners is one of flagrant disrespect and is accompanied by demands for instantaneous action?

Some individuals in public life today contend that government may igonre basic human rights *to a limited degree* to enable it to deal efficiently and quickly with clearly outrageous and irresponsible behavior. I am not sure whether such statements reflect an unconscious lack of respect for our Constitution, or a blatant contempt for it. But I do know they imperil us all.

The Constitution does not say that freedom of speech, the press and assembly and due process are guaranteed to three-quarters of our citizens seven-eights of the time. Its protection is permanent and all-encompassing. Any attempt to curtail basic freedoms weakens and further divides the nation, for if rights are not insured for all, they cannot be guaranteed to anyone.

I strongly believe that this society will reiterate its commitment to its underlying principles, and will find means to profit from dissent, rather than ways to repress it. This course will involve tension, but tension can be the hallmark of sensitive progress. It will also involve risk, but the risks of freedom are perferable by far to the chilling certainties of tyranny.

My optimism in this time of national unease is tempered by one imponderable, however—violence. I have focused my thoughts today on individual rights and the very real dangers of repression, but I can assure you that I am as deeply concerned about law and order as anyone else in this country. I refuse to sacrifice freedom and justice to reach this goal, and it is here that I depart from the disciples of backlash and repression—the groups that have given a yearning for order a malignant aura.

Violence—whether it be the wanton destruction of a scholar's life work, the killing of innocent student demonstrators, or any other form of damage to life and property—should and must be condemned. Criminal acts can never be rationalized, no matter how noble the cause that prompts them. To argue otherwise is to defend infringements of liberty and to place oneself in the same category with those who would bend the Constitution to repress dissent.

In testimony before the Senate Government Operations Committee in Washington last year, your president, Dr. Kenneth Pitzer, perceptively described acts of violence on campus as "a threat to free inquiry, to the free expression of ideas, and to the very civil liberties long regarded as vital to the campus community."

In the final analysis, violence almost always is counterproductive, providing monetary gratification at the expense of long-range goals. Not only does it retard social progress, but it could also bring closer the day when Americans would be forced to make the fateful choice described by Senator Smith—between anarchy and repression.

I am deeply disturbed at the thought of our ever having to make such a decision. But I know how threatened the vast majority of Americans feel by the current levels of violence. They will not tolerate it much longer.

As we go forward into the 1970's, we in government must heed the voices of responsible dissent for they have much to tell us about the social and moral obligations of this country. It will be necessary to insure that our national institutions do not permit the channels of communication to be clogged by those who fear new ideas.

If we are to listen and to act creatively, we must replace "the politics of fear" with what John Gardner has called "the politics of confidence." We must stop seeking solutions in terms of repression and begin to look for them in terms of responsiveness.

It is simple enough today to cater to the fears and to exploit the divisions that exist in the United States, as was done earlier this month in the disgraceful gubernatorial primary in Alabama. It is far more challenging—and, ultimately, more enduring and rewarding—to appeal successfully to the best instincts in our fellow citizens.

If we sincerely wish to further justice and harmony in this troubled land, it is imperative that we accept the greater challenge. By acting together in a spirit of generosity and compassion, I believe we can help our nation renew and rebuild itself.

I would urge four steps which might constitute a beginning.

First, we must rededicate ourselves to bringing an end to American involvement in Indochina. We must have the grace and the fortitude to admit that this war was a tragic error without military or moral justification.

Second, we must vow that the United States no longer has any desire to play policeman to the whole world, nor does it wish to inflict American values on other, different cultures.

Third, we must commit our full energies to the vital program of nation building here at home, to such tasks as reversing the process of urban decay and improving the level of our housing, education, health and welfare services. We must rid ourselves of the moral hypocrisy that trumpets the equality of man on the one hand, yet permits—even encourages—vitiating racial prejudice on the other.

Fourth, we must seek out those issues on which there is consensus and marshal all of our forces in a common effort to solve problems. Pollution is an example of a problem which presents no philosophical or partisan barrier to a united approach now. Nothing separates us from a healthy environment except a total commitment to strive together to achieve one.

Whether we succeed or fail in all these areas will depend in large measure on the courage and stamina of your generation, not mine. You are the heirs to our problems, and you are the personification of our future.

In spite of the divisions on every side, you approach a period of leadership with a critical advantage over your predecessors: You are fully aware that something has been wrong with this country. As John Gardner pointed out in his eloquent Godkin Lectures at Harvard, "We were in greater peril in the complacent years, when all of the present evils were in existence, or brewing, but layered over by our national smugness."

The great confidence I have in the America of tomorrow stems from the amount of soul-searching we are doing today. We are asking ourselves the fundamental questions: what kind of a nation do we want to be? What kind of a people do we wish to become? You are helping to ask the right questions; our future as a nation and as a people depends upon your ability to help find the right answers.

I have had people tell me that a decade from now your generation, like those that have gone before you, will be consumed with worries about spouses, children, schools, mortgages and job promotions. They have cynically described your idealism as the modern equivalent of goldfish-swallowing.

I don't believe it. Your generation has changed the course of a war, helped awaken a nation to the need for preserving its environment and marched in the front ranks of the battles against poverty and racial discrimination. Having committed yourselves so deeply and so passionately, you are hardly likely to abandon your convictions and turn your back on your country.

I will state unequivocally that there is hope for this great country. I have faith in the enormously gifted and concerned generation you represent here today. I sincerely believe that all of our institutions can be made to move forward again, particularly our government, which, in spite of its imperfections, remains the best ever devised by man.

We see before us in the United States today some shattered fragments of greatness. It is our task to pick up the pieces and put them back together again, into an even greater and more durable whole.

INFLATION—AN ECONOMIC MALADJUSTMENT

Mr. PERCY. Mr. President, Prof. Harold W. Fox of Northern Illinois University has written a most thoughtful monograph on the subject of inflation. He discusses different sources of general inflation and concludes that the success of anti-inflationary policies depends upon the support and cooperation of the private sector, including individuals. He rejects wage and price controls to fight inflation, thus supporting the position taken by President Nixon yesterday in his excellent economic message. Professor Fox points out that wage and price controls are virtually impossible to enforce, and that they promote the misallocation of resources.

Mr. President, I ask unanimous consent that Professor Fox's article on inflation be printed in the RECORD.

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

INFLATION—AN ECONOMIC MALADJUSTMENT

(By Harold W. Fox, Ph.D.)

America enters the 1970s in the throes of inflation. This persistent rise in the general price level has many ramifications. Cost-of-living indexes from 45 countries, published annually by the First National City Bank of New York, show long-term deterioration of most foreign currencies even worse than the dollar's. Thus the scope of inflation is worldwide. The following pages will examine inflationary forces in the United States as the decade of the 1970s is about to begin. The presentation is nontechnical.

A PERPLEXING MALADY

An economist discussing the cause of inflation is analogous to a physician describing cancer. Inflation is an economic disease as cancer is an organic disease. Both malfunctions have been analyzed for a long time, but thus far the professional investigators have reached no consensus on either cause or cure. Perhaps neither cancer nor inflation is a single disorder, but a number of maladjustments between a system and its environment. Since the environment changes constantly, it may also be generating new causes which produce the same symptoms.

Historical perspective

Two major changes in the economic environment since 1940—both conducive to inflation—are absence of major depressions and constancy of war or cold war. Traditionally, prices have skyrocketed during wartime, receded after each armistice, and reached a nadir in cyclical contractions. Although the price level traditionally has dropped during depressions, this does not mean that it has always increased in periods of prosperity. Both the Cost-of-Living and the Wholesale-Price indexes eased during the ebullient 1920s, for example. Figure 1, a 200-year history of wholesale prices in the United States, shows the patterns of ups and downs until 1940—and the virtually uninterrupted rise since then.

Evidently, price behavior since the 1930s differs from the prior rollercoaster pattern. Over the past several decades inflation has become entrenched in the American economy.

Theoretical limitations

Certainly, the methods used in the past to cope with inflation are not necessarily effective now. The symptom—a rise in prices—is the same as before, but the underlying situation may be different. For example, a situation of ten conflicting theories does not mean that nine are wrong. A theory may validly explain inflationary symptoms but fail to predict accurately if it does not reflect new circumstances. The prediction may have been based on the assumption that no war would erupt.

In addition, more than one theory may be capable of accurate prediction, but the implications for public policy could be significantly different. To illustrate, inflation may be blamed on either excessive profits or on excessive wages. An explanation in terms of excessive profits leads to a forecast of higher prices due to a boom in capital spending; an explanation based on excessive wages leads to a forecast of higher prices due to a boom in consumption spending. Thus the identical conclusion follows from different assumptions and reasoning.

A warning is also in order for so-called theories which are mere extrapolations. Forecasts that a trend will continue are more often right than wrong because a massive system like the United States economy moves with a momentum that is difficult to reverse. Hence the test of a theory's predictive powers is not the number of rights versus wrongs but how accurately the theory identifies the turning points. Thus far, no theory has proved to be infallible and operational with respect to containment of inflation in an economy whose vigor is sustained by massive government programs.

Price structure versus price level

When discussing price changes, one must distinguish between price structure and price level. Whereas structure compares individual prices to each other at one point in time, level compares one period to another.

Price structure is the interrelationship of market values. Usually some prices rise and others fall, so that the structure is constantly changing. Regardless of general inflation or deflation, prices of different products move at varying rates or even in opposite directions. In this way, the price system coordinates economic activity. An increase in demand for some product tends to raise its price, which spurs its output. This diverts resources from less-wanted products, which decline in price and spur consumption. Changes in the price structure are very important to businessmen because isolated price rises attract competition and repel buyers.

The price level refers to the position of *all* market values, not their interrelationships. Conceptually:

Price level equals total money value of commodities divided by total physical quantity of commodities.

Even if the numerator could be measured accurately, the denominator would still pose a problem in aggregation. Dissimilar commodities—apples and oranges—cannot be added. What is the net result of an increase in 12 oranges and a decrease in 4 apples? It will not do to say a rise in 8 pieces of fruit, when consumers' tastes for these two types are not identical. There is no perfect solution to this question. Official price indexes measure the price level as if buyers made no substitutions in response to changes in the price structure. Additional limitations of price indexes are beyond the scope of this paper.

It is clear, however, that inflation is not just any rise in prices. Indeed, some economists feel that a gently rising price level—an annual rate below two percent—is favorable because it attracts investment which tends to cause prosperity. But certainly all are in agreement that yearly price increases exceeding two percent are objectionable.

Objections to inflation

One can see at once that inflation is objectionable when one changes the definition from a persistent rise in the price level to the equivalent: a persistent fall in purchasing power. A given amount of money buys fewer goods. Inflation does not affect everybody equally, hence it is said to cause a redistribution from the old to the young. In general, inflation hurts retired people, creditors, and people on fixed incomes while it favors some business owners, speculators, and holders of goods.

As a consequence, personal consumption declines whereas investment rises. Higher prices attract imports and discourage exports. If inflation runs rampant, it can destroy the economic system. Citizens make economic decisions in the expectation of further price rises. People with money speculate by hoarding goods. Nobody is willing to lend money or even work for money which is expected to lose its value. Merchants are unwilling to sell their inventory because replacement costs are increasing. At its worst, the economy sinks to a primitive state of barter. Accumulated savings are wiped out. A few speculators have amassed large holdings of land and other real values. The rest of the population is impoverished. Economic activity stops. It takes a political act to restore confidence.

PARTIAL EXPLANATIONS OF INFLATION

Many economists believe that during an inflationary period, some cost-push, some demand-pull, and some structural causes operate simultaneously. These theories will be discussed in some detail.

One source of inflation is a push on costs, in industries which practice administered pricing and in service trades which lag in productivity. A second source is a pull by buyers for goods from those industries whose prices are responsive to demand-supply imbalances. Some economists ascribe the imbalance mainly to an excessive money supply whereas others emphasize the role of fiscal policy, private sectors, or international developments. Inflation, after all, is an international phenomenon. A third source is structural dislocation, to which a highly interdependent economy such as the United States is particularly vulnerable. Inflation has persisted during recessions partly because a push on costs in some fields was not offset by a price decline in others where demand pressures eased.

A fourth source is the action of national and local governments in response to pleas from the electorate and special-interest groups. The United States has a mixed economy. The growth in governmental participation of the past four decades seems on the verge of expanding in a new direction: environmental controls. All of these multifarious, mutually reinforcing pressures frustrate efforts to trace a single cause and to devise a clear-cut solution for inflation. Figure 2 outlines these forces.

Cost-push

Perhaps the most plausible explanation of inflation is a widespread rise of wages in excess of productivity (output per unit of inputs). The rise in cost is translated into a rise in prices among those industries which set prices by adding a gross margin to their direct labor and materials costs. In terms of the fraction presented earlier:

Price level equals total money value divided by total physical quantity; the numerator rises but the denominator does not increase sufficiently.

The cost-push theory is usually tied in with what is often called administered prices and administered wages. Basic industry and many other types of business are said to establish prices without regard to conditions of demand. When sales orders slacken, they prefer to reduce output rather than prices—or perhaps they believe that lower prices would not appreciably boost the quantity demanded. This is called administered pricing.

Similarly, strong unions in key industries can win wage increases beyond productivity gains, even in the face of substantial unemployment. These excessive wage increases are amplified in various ways. For example, the union contract may serve as a pattern, or perhaps as a challenge to be surpassed by other unions.

The output of basic industry serves as raw materials at successive stages of processing. If a widely used method of pricing is addition of a gross margin to prime cost (labor and materials), each wage increase will be compounded at every succeeding stage into increasing amounts of price rises. Another point is that some of the largest wage increases have occurred in the construction industry, which translates immediately into higher building costs for all industries, governmental projects, etc. As a result, the cost of living and the cost of government rise, further fueling inflation.

But if the monetary value of commodities increases, total purchases must decline unless the supply of money or its velocity increases as well. Sooner or later, the Federal Reserve Board faces the dilemma of whether to expand the money supply and thereby invite further price increases or to choke inflation by withholding the needed increase in money, thereby inviting some unemployment. This dilemma model shows quite clearly that inflation does not have a single cause. In fact, many economic phenomena and public policy decisions are intertwined.

Unions and Inflation The forementioned cost-push theory, laying the blame for inflation mainly on labor unions, has been under heavy attack. In the last decade prices have risen the most in industries lacking strong unions. Prices *increased* from 36 to 101 percent in such relatively unorganized fields as property and automobile insurance, haircuts, maid service, movie admissions, and daily hospital charges. During this same period, in such highly unionized fields as the manufacture of radios and television sets, vacuum cleaners, washing machines, and home permanent refills, prices *declined* from 20 to 11 percent. Although some of these figures are not comparable due to technical computational problems, it appears that developments in the 1960s undermined the cost-push explanation which may have had greater validity in the 1950s. Between 1966 and 1968, at least, there was virtually no correlation between the rise in average wage rates and the degree of union penetration. Compensation rose fastest in occupations requiring long training and for some traditionally underpaid employees such as nurses, maids, etc.—jobs which are now being shunned.

There are some further complications. It is sometimes pointed out that workers in the South and service employees and other nonunion labor, including professional workers, have enjoyed as high a rate of compensation increase as union members. But this does not mean that all workers would have fared as well if there were no unions at all. Some of the unorganized employees may have received higher pay because of the threat of unionization. Some other occupations have no unions but formal examinations or other restrictions which have the same effect as unions. The growth of government workers has made them a separate political constituency which their employers, the elected officials, try to satisfy. Finally, wage rates are generally not too far apart. Nonunionized office workers in a steel mill may be able to shift over to factory work. If nonunion occupations offer low pay, versatile employees and new recruits will shift to organized sectors, and the ensuing shortage in the nonunion field will drive up wages.

Similarly, cross-currents make it difficult to assess the impact of unions on prices. Any wage increase in excess of productivity raises unit costs. If, however, price could discharge its role of allocator, an undue increase in the price of labor would be checked by substitution. But when workers strike, the employer often cannot hire replacements. He cannot change work rules, mechanize, or contract out some of the work. Moreover, some strategic crafts and professions have barriers to entry that can cause structural dislocations which are as pervasive as a tax on necessities.

Thus it appears that unions contribute to inflation not so much by increases in wages and benefits, but by restrictions on output, requirements to hire unneeded employees, and rigidities in the work place. And when an economy has little slack, higher wages or unnecessary jobs create extra purchasing power but no extra production, so that prices of available goods rise. Paul A. Samuelson has stated, "Nowhere in the world, as far as I know, has a mixed economy solved the problem of maintaining full employment, free collective bargaining, and stable prices."

A simple way of summarizing the apparent policy options under cost-push inflation is a Phillips curve. This diagram conceptualizes a relationship between three percentages: unemployment, wage rise, and price rise. On the horizontal axis is percentage of unemployment. A vertical axis on the right is calibrated in percent of annual wage rise. The left vertical scale showing the percentage increase in prices differs from the right vertical scale only by the postulated rate of productivity increase. If America's productivity rises three percent annually, the left-hand price calibration would be three points lower than the wage changes on the right. The shape of the curve in Figure 3 depends more on institutional and psychological factors than on strictly economic phenomena. What has been observed in the past is, of course, no proof of cause and effect.

Services and Inflation. If the case against labor unions is not proved, is there anything else that helps to explain the push on costs? The answer seems to be yes—the importance of services.

The United States is a service economy with some 55 percent of the labor force in wholesale and retail trade, finance, insurance, real estate, government, repairs, and business and professional services. Because the rise in service productivity is very small, the steady shift to service employment gives the American economy a widening inflationary base. All the more, then, the mechanized sector must increase productivity beyond compensation rates if the overall price level is to remain even. Perhaps the recent increase in the prices of services and in other relatively nonunionized fields is not a true cost-push but a consequence of high prosperity. The increase was brought about by a rapidly increasing demand bidding for an insufficiently growing supply.

Demand-pull

According to the theory of demand-pull, buyers are the cause of inflation. Consumers, investors, and governments increase their wants and compete for goods. Output is inadequate either because resources are fully utilized or because production cannot be increased on very short notice.

In contrast to the cost-push theory, the demand-pull version argues that prices are flexible. Excessive demand causes an inflationary gap: the difference between total wants and total supply capacity. Buyers' willingness to pay more for scarce goods and services lets producers raise prices so that the producers, in turn, can bid for scarce labor and materials with higher prices. Thus, the pace of inflation escalates. This is the Keynesian version.

Monetary Aspects. A traditional explanation, which is currently regaining support, ascribes the blame for inflation to an excessive money supply. More bluntly, since the United States money supply is regulated by the Federal Reserve Board, some economists blame the policies of that agency for every recession and inflation since World War I. There is no unanimity on how to define or measure the supply of money. Most economists say that money consists of currency and demand deposits (bank checking accounts). In 1969, this amounted to $200 billion, about $45 billion currency and $155 billion demand deposits. If the money supply is defined to include time deposits at commercial banks as well, another $200 billion would be added. Since economists are more interested in changes than in absolute amounts, the important point is to analyze a particular series consistently.

Like the Keynesian theory, the monetary theory puts the setting for inflation at full employment. The price level is defined as:

Money supply multiply income velocity divided by total physical quantity of commodities.

Income velocity is the number of times that money moves annually from one income recipient to another.

Income velocity equal net national product divided by money supply.

If income velocity is constant, it follows from the first definition that a full employment, a rise in the supply of money will cause a corresponding rise in the price level. In practice, income velocity moves cyclically. In a sharp downturn and with a decline in interest rates, it falls, too. Conversely, an economic upswing and a rise in interest rates also boost the turnover rate. Thus both factors can contribute to inflation if demand exceeds physical capacity; i.e., if real national product cannot grow fast enough.

Since the supply of money is more easily controllable than the rate at which millions of companies and consumers transfer, policymakers focus on the money supply. The Federal Reserve can expand the money supply by buying government bonds, by lowering the discount rate at which it makes loans to member banks, by lowering the required legal reserve ratios that member banks must keep against their deposits, plus by some minor actions such as lowering margin requirements on purchases of stocks, changing interest-rate ceilings on time deposits in member banks, and moral suasion.

When the Federal Reserve buys government bonds, its payment to the sellers is deposited in banks. If reserve requirements and leakages total 20 percent, the banking system as a whole can expand the money supply to $5 for every $1 of proceeds from the Fed's purchases. There is an uncertain time lag between the start of a new Federal Reserve policy and a noticeable effect on the price level. Eventually, because the public has more funds than before or because the public does not wish to hold the funds, spending increases which pulls up prices.

Productivity

It should be clear that the demand-pull phenomena just described and the cost-push formulations presented earlier interact. Higher prices due to excess demand set off a clamor for higher wages not only to catch up but also to keep ahead of expected future price increases. Regardless of whether one focuses on unions and other strategically powerful suppliers on one hand,

or on government, investment, and consumption expenditures and the money supply, on the other, the key to price stability is high productivity. Inflation would end if output of wanted goods and services caught up with buying power. But excessive output leads to price declines or idle capacity.

Structural inflation

There is a third prominent theory, called structural inflation, which is linked to the demand-pull model. Demand is not evenly distributed with supply. Thus there continues a pulling up of prices even as total measures of the economy show no stress.

The problem is rigidity. With administered wages and prices, a slackening of demand in one sector does not offset excessive pulls elsewhere. Nowadays, reduction of wage rates is practically unthinkable. Therefore, cost-based prices are not responsive to a decline in demand. But excess demand quickly raises costs and prices. Hence inflation can persist even during a recession.

Structural theories emphasize disaggregation. Each sector of the economy must be examined separately. In contrast, the cost-push and demand-pull theories deal in totals. One of the valuable lessons from the structural theory is that many economic phenomena are not symmetrical. If certain conditions cause a rise in prices, it does not follow that the opposite conditions will bring a decline. In thinking about economics, it is also important to remember that many functions are not monotonic. Under a wide range of economic conditions, an increase in the supply of money will depress interest rates—up to a point. Beyond that point, further expansion of the money supply will cause interest rate increases. Perhaps the most important lesson is that there are no simple 1:1 economic relationships. Each economic variable is interrelated with hundreds of others.

Enacted inflation

In the last half of the 1960s the United States experienced very high rates of wage and price increases. Although it is impossible to give a full explanation, much evidence points to the federal government as a major instigator. Perhaps this episode should be called, "enacted inflation." In a republic this means that the pressures for special legislation and action which voters and lobbyists exert on the Congress and on the President are the basic cause of the rise in the price level.

First, there are the expenditures for the war in Vietnam and other military needs. Federal dollars spent for defense generate income without producing goods and services that consumers can buy. Second, many of the other recent government projects have had similar effects. The space effort, agricultural supports, foreign aid, social programs including local welfare, and other activities increase purchasing power without a commensurate increase in consumption goods. These nonmilitary expenditures have grown even faster than the defense effort. Again, the huge Federal deficits and the heavy borrowing by state and local governments have enormous inflationary leverage.

Moreover, during much of the late 1960s the Federal Reserve allowed the money supply to grow at an extraordinarily high pace. When the Fed tightened the money supply, the banks found other sources. Further, insurance companies and other rapidly growing nonbank financial intermediaries exempt from direct control could step into the breach. And it is the supply of spendable funds instead of the money supply that is the important ceiling on total expenditures, some bankers in the Federal Reserve believe. Restrictions on the money supply do reduce business investment and consumer outlays, but the burdens are inequitable and the effects appear only after nine months or longer. By that time, much damage has been done and the monetary needs of the economy may be different.

Tight money, for example, helped reduce demand pressures on the construction industry. But the decrease in housing production created a shortage which lifted rents and the prices of existing houses. Government agencies tried to remedy this dislocation by borrowing money at the prevailing high market rates and making it available to savings and loan associations for mortgage financing. Instead, the main result was an outflow of savings and loan deposits into the higher-interest bearing agency securities.

Taxes were increased, but too little and then too late for sufficient effect. In particular, business spending on new plants and equipment has been motivated by a seven percent tax credit and by other governmental incentives while its growth was so excessive that it should have been curbed temporarily. Lengthy restraint on new investment is undesirable, of course, because it leads to a decline in efficiency.

Consumers reacted to a temporary tax increase by reducing their rate of saving, thus neutralizing the surtax's anti-inflationary intent which was to reduce their rate of consumption. Effective demand also increased on two additional counts: (1) higher employment, both from an expansion of the labor force and a reduction in the percentage of unemployed, and (2) higher wages and salaries.

It is further true that the last recruits to employment and the last production facilities activated are generally much less productive than average. During boom times, plant absenteeism increases; lower production rates, lower qualities, and so forth aggravate the shortages. Due to industrial interdependence, failures in one place have widespread repercussions; production is held up in many other plants.

If efforts to cool the economy produce some unemployment, the first effect would be not to reduce purchasing power but to reduce output. Loss of production is, of course, a real loss to the economy. It offsets the deflationary influence of unemployment if demand persists. Wage continuity programs, unemployment insurance, personal savings, credit, etc. stabilize demand over short to medium-long periods of adversity. Moreover, any slight upward tilt in the unemployment rate is a signal for agitation—in Congress and elsewhere—for massive government programs which guarantee inflation. Thus attempts to combat inflation produce countervailing forces which can lead to further maladjustments.

In 1969, for example, just as economic theory predicts, higher prices in the United States beckones a surge of imports. This further impaired the strength of the dollar. But higher interest rates in the United States also attracted short-term foreign capital. The inflows of merchandise tended to soften inflation; the inflows of capital helped sustain the dollar. The opposite would obtain if inflation and interest rates ebbed. Further, American capital is poised for investment abroad, which would further weaken the dollar internationally, at least in the short run.

Just as confidence in economic stability, based on the early 1960s postponed the surfacing of inflation, government policy at the end of that decade embedded it. Inflation is a state of mind as well as of money. Expectations of continuing price rises can be self-confirming. Workers hold out for extra wage increases; businessmen and consumers step up their purchases. In these ways, cost-push, demand-pull, and structural dislocations increase. The economy is not so flexible that the inflationary trend can be reversed quickly.

As America enters the 1970s, many people fear that prices will continue to rise. They point to the inexorable political pressures to support agriculture, subsidize industry, sustain full employment, safeguard American prestige abroad, satisfy various constituents, and start many new programs. Surely, governmental actions to check inflation deserve strong cooperation.

GOVERNMENTAL PRICE CONTROL

Since governmental policy shares some or much of the responsibility for inflation, it seems reasonable that new laws should be enacted to stop the escalation of prices. But few economists believe that controls would be helpful in the present circumstances.

Price-wage controls are useless unless accompanied by governmental rationing of goods and allocating of labor. Both in money and manpower, such regulations are very expensive to administer. Instead of motivating increases in output, governmental regulations lead to commercial emphasis on high-price, low-quality lines and to misclassification of workers.

Controls are virtually impossible to enforce, at the very time that they infringe on individual liberty. Even when citizens were united, or when violations were subject to the death penalty, price controls have always been accompanied by evasion and black markets. But if most citizens strongly support regulation, price-wage controls with rationing may improve national morale because all are subject to the same law. It can be effective in an emergency.

Selective controls (say, of basic industry only) obviate such wastes as mountains of paperwork and multitudes of policemen. But selective restraints are clearly inequitable and spur misallocation of resources. If regulations underprice steel relative to alternatives, the demand for scarce steel will rise, intensifying the pressures on the industry. Yet, the controls stifle progress. In time, steel workers begin a shift to greater opportunities. Capital is even more mobile. If the expected profit from steel production is low, investors do not supply funds to expand capacity. On the contrary, established steel companies will diversify into uncontrolled activities that offer a greater return on investment.

Thus selective price controls might benefit consumers temporarily but aggravate future scarcities. Capacity declines instead of expanding. As older workers and obsolete facilities are retired, they are not replaced.

The dislocations generated by one law requires a series of exceptions and amendments until even selective controls are a maze of regulations. Bureaucrats and lawyers assume the roles formerly occupied by buyers and sellers. Rent control in New York City is an example. If selective controls seem essential, they must be temporary. They might tide the economy over a shortage which is being relieved.

The consumer is not necessarily the one whom selective controls benefit, temporarily or longer term. More likely, intermediaries like apartment brokers in New York City or recipients of steel like manufacturers of plumbing fixtures can reap windfall profits because final demand is strong.

The effects predicted for selective restraints also apply to wage-price guidelines, except that the latter do not incur administrative costs. At the same time, guidelines are weaker because they lack the force of law. Government officials can harass noncooperators with "jawbone" tactics such as investigations and unfavorable publicity. The administration can withhold purchase orders and release stockpiled materials. But many people feel that sporadic nonlegal pressures on a few violate the American philosophy of fairness and due process. Extralegal pressures on some are a pathway to

extra-legal pressures on others. In short, neither comprehensive controls nor selective controls or guidelines offer much hope of restraining inflation.

FACING THE 1970'S

From the indications available, it appears that the future course of inflation depends primarily on political decisions, which are outside the purview of economic forecasting. The following economic points seem worth emphasizing:

1. After three decades of prosperity, business, labor, and the consumer have at their disposal many alternatives that reduce the effectiveness of fiscal and monetary policies.

2. The most disastrous course of action, in the opinion of many economists, would be governmental price-wage controls. Whatever the economic consequences, the basic problem of price regulations is political: it is impossible to enforce a law that is frequently violated by a large proportion of the citizenry.

3. Assuming no new war and no major governmental action to escalate the rate of inflation, the immediate, short-term outlook is for a slight recession accompanied by continuing inflation. For one thing, many labor contracts provide for substantial wage increases over the next several years. For another, increasing dependence on nonpostponable labor-intensive services such as medical care, auto repairs, hotel services, and baby-sitting, plus rising financial outlays on interest, insurance, and property taxes give the American economy a strong inflationary base. To this can be added agricultural price supports, oil quotas, obsolete building codes which perpetuate inefficiency in home construction, and other government programs that maintain or raise prices. But, hopefully, the rate of price increase will abate.

4. Over the longer term, it appears that the price system's traditional role as allocator of resources will continue to erode. The present outlook is for greater emphasis on what economists call social overhead. There seems to be an inescapable need for concentration on urban renewal, mass transportation, air purification, water cleansing, and many other collective prrojects. Insofar as they are essential for human survival, there is no choice but to motivate these social efforts. The challenge is to perform them effectively while preserving America's heritage of individual freedom including occupational options and business incentives.

In principle, the price mechanism could coordinate social undertakings as well as individual pursuits. For example, if each automobile and each bus had to defray the costs of its infringement on the environment, most commuters would have to elect mass transportation.

Only wealthy people could afford the high cost of riding in a separate car. But such an extension of the price system might engender strong sentiment for governmental redistribution of wealth and income.

5. This paper has shown that two variants each of cost-push, demand-pull, and social rigidity interact to erode the purchasing power of the dollar, with little likelihood of a reversal. The most important influence on the future course of price stability is the will of the citizenry. Output must be increased and infusions of buying power curtailed toward a zone where the supply of most goods and services is in balance with demand at existing prices. If the implications of economic policies are widely understood and if price stability receives vigorous backing, policymakers—mainly in governments, but also in labor unions and corporate directorships—will pursue whatever economic goals the public deems to be in its interest. Cure from the malady of inflation depends on the resolve of the people and the skill of their representatives.

JOINT SPACE EXPLORATION

Mr. PERCY. Mr. President, on several occasions prior to today, I have spoken of efforts that I believe ought to be taken towards achieving international cooperation in the field of space exploration. On March 4, 1970, along with Senators MANSFIELD, SCOTT, and MONDALE, I introduced Senate Concurrent Resolution 56, which calls upon the President of the United States to convene at the earliest convenient time a Conference on the International Exploration of Space. This resolution is currently pending in the Foreign Relations Committee. No action on it has been taken as of yet.

Today, I rise once again and renew my plea for the idea and the hope embodied in this resolution.

International cooperation in space is not only a logical step to take, but it is also a very practical step to take. Those astronauts who have traveled to the moon have repeatedly commented how small the earth is compared to the yawning vastness of space. From this perspective it is clear that differences should melt away in the face of the challenge that presents itself to mankind. It is a challenge that daily entices us and nightly entrances us; it is a challenge that we as a nation have accepted. We have set ourselves on a course to explore, to understand, and to be able to derive benefits from the exploration of space.

Yet, we are not the only nation that has set itself on this path. Many nations are seeking to explore space, and brave men from different nations have perished in the quest.

It is a quest that must logically be an international undertaking. Nations should not try to race each other. Instead, nations should come together and work together to achieve a common goal.

The resolution that I have offered would be a first step in the achievement of this goal.

The idea of cooperation in space is often discussed among scientists and explorers of all nationalities. Frank Borman has spoken of the willingness and the eagerness of Soviet scientists and cosmonauts to participate with the United States in joint space ventures.

Neil Armstrong, on a recent visit to the Soviet Union, encountered the same feelings. He stated that the objectives of the cosmonauts and the astronauts were very similar. Whenever the topic of conversation turned to international cooperation, the response of the Soviets seemed to be most favorable. A report of Neil Armstrong's visit was carried in the New York Times on June 4.

Mr. President, I ask unanimous consent to have the article printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. PERCY. Mr. President, we who are tied to this planet by the unrelenting force of gravity, and who can rise no further above ground than the altitude of a jet we may be passengers on, do not have the perspective of those who do fly in space. Scientists and space explorers from all interested nations continually express their desire for international cooperation in space. It is the duty and it is the unprecedented opportunity of this Nation to call together an international conference which would be a first step towards realizing achievement of an age-old dream and an age-old challenge: To explore the universe and use it to the advantage and benefit of all mankind.

EXHIBIT 1

[From the New York Times, June 4, 1970]

ARMSTRONG TELLS RUSSIAN SCIENTISTS UNITED STATES AND SOVIET SHOULD COOPERATE IN SPACE PROJECTS

(By James F. Clarity)

Moscow, June 3.—Neil A. Armstrong, the first man to walk on the moon, obviously pleased an audience of several hundred Soviet scientists today by advocating closer United States-Soviet cooperation in space exploration and implying that the space programs of the two nations would eventually converge.

Mr. Armstrong, on the last day of an official visit to this country, not only told the scientists, who crowded into an ornate hall in the Academy of Sciences, that he favored increased cooperation but he also said that the development of space stations and shuttles was "the most important" method of practical space usage. At present, the United States program is concentrated on lunar missions. The Soviet space program is geared toward the building of orbital space stations.

As he described the Apollo 11 mission, which he commanded last July, and answered questions with occasional low-key humor, Mr. Armstrong was applauded several times and drew a few gusty laughs.

Of United States-Soviet space cooperation efforts he said, "I believe these should be expanded a great deal and I hope they will be." He added, "I have found in discussions with my Soviet cosmonaut colleagues that their objectives in space are very much the same as ours."

Describing the United States program, he said, "The next two years will include four more lunar flights, of the type that I completed, to new areas of the moon, which will leave scientific equipment that will continue to operate unmanned."

"The following years," he said, "will be devoted to our initial space station efforts."

He said the planned American space station would be "composed primarily of components built during the Apollo program." Such components, he said will have additional space for scientific equipment and "will be capable of revisitability."

Asked to comment on space shuttles and space stations—presumably the prime objectives of the Soviet program—he said:

"I happen to believe that these two particular developments are the most important toward an early practical usage of space." He added that he would be glad to be a member of a joint Soviet-American space crew. The remark elicited smiles throughout the audience.

The American astronaut also pleased the scientists, judging from their faces, by praising Soyuz 9, the Soviet two-man spacecraft launched two days ago and reported still operating normally in earth orbit. Mr. Armstrong said the experiments in earth measurements presumably being made by Soyuz 9 would be useful to the United States space program.

But the American won the most open approval of the Soviet audience when he answered relatively unscientific questions.

He was asked if the words he spoke when he stepped on the moon ("That's one small

step for man, one giant leap for mankind") were composed on earth or in space.

"I'm afraid I'm guilty of composing that phrase on the lunar surface," he said, with a slight smile. The audience laughed, then burst into applause.

Would he volunteer for a three-year trip to Mars?

"I think I would ask them if I could take my family along," he said, as the scientists laughed and applauded again.

DIPLOMATS MAY HAVE CHANCE TO PUSH PRISONER ISSUE

Mr. BAKER, Mr. President, there are reports in this morning's press that the Communist Chinese want to resume contacts with the United States in Warsaw. According to these reports Chou En Lai has so informed diplomats from other Communist countries in Peking.

This is a hopeful sign. Hopeful not only because these talks could eventually lead to easing of major problems we have in Asia, but also because it is an opportunity for American diplomats once again to work in behalf of those Americans being held incommunicado by the North Vietnamese.

It is my hope that the talks in Warsaw between our Ambassador and representatives of the Chinese government are resumed after the temporary setback of last month. When they are resumed it is my further hope that our representative will make new and strong overtures to the Chinese about the prisoner situation.

The North Vietnamese hold some 1,500 Americans prisoner. Most of these men are being detained in foul prison compounds and they are not allowed to contact their families nor receive mail from their homes.

It is too much to hope that the Chinese might be able to arrange a prisoner exchange. But it is reasonable to hope that the Chinese can be used to pressure the North Vietnamese into a more realistic and more humane attitude on the prisoners they hold.

I know our American diplomats in Warsaw are as concerned about this problem as we are in the Senate. They have an opportunity in the offing to do something about it; I hope they take full advantage of that opportunity.

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

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

THE SMALL MEATPACKERS

Mr. SAXBE. Mr. President, the fate of the small packer in many of our Midwestern States has been growing increasingly unhappy and, I think, turning to the detriment of the general public. In the last 2 weeks in Ohio there has been announced the closing of two sizable but still small business packers, the Val Decker Packing Plant in Piqua, Ohio, and the Sucher Packing Co. of Dayton, Ohio. Not long ago the David Davies Packing Co. in Columbus, Ohio, closed.

The reasons for these closings has been said to be the inability to meet the sanitary requirements that were imposed by the Federal Government and the inspections that resulted. However, on closer examination it develops that many of these packing companies do have clean and sanitary operations but because of such discrepancies as room size, storage capacity, and other construction items that have no relevancy to the cleanliness of the operation or the sanitary nature of the operation, they have been forced out of business.

Packing has not been a profitable operation in Ohio because of the small margin of profit and the tremendous investment required. When packers are faced with a demand that they rebuild their plants, they look over the profit and loss sheet and extend it, they say, "Well, we will just close up," and they do, depriving the farmers of a ready and competitive market for their livestock and also depriving consumers of a guaranteed source of fresh meat. It also results in driving more and more of the business into the extremely large concentrated packing plants where they can afford to operate at a small margin of profit, extremely small, which would prevent the small packer from engaging in it. By large volume the big packer can prosper and afford the building programs that are demanded.

This might be acceptable if it meant that this was the only result, because we do want to guarantee the quality of our meat, the quality of the inspection, and also the health of the animal and the sanitary nature of the killing and the plant.

But we are at the same time admitting great amounts of foreign beef and mutton from Australia, New Zealand, Central American countries such as Costa Rica, and South American countries.

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

Mr. SAXBE. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. SAXBE. Mr. President, I am reliably informed that there are no similar sanitary requirements for the killing of this meat which comes in as carcass or boned beef, in a fresh state, that is, either frozen or chilled, not cooked, as was previously the rule on Argentine beef.

If we are going to close up our packers because of extremely severe inspections which go beyond the danger of bacteria and unclean processes, then we should require the same standards of inspection of plant construction and maintenance in these countries that are shipping in the tremendous amount of carcass beef or mutton. I do not think it is unrealistic that we require that their rooms be the same size that we require, or that Federal inspectors be present, as we require, or any of the other things that are putting our plants out of business.

What good does it do us to close up a clean but structurally unacceptable plant in Ohio and at the same time accept beef killed and processed on premises that would not begin to meet our most elementary requirements? This is what is happening in this country today. I am sure the follow-up on this situation is going to be that after these small packers go out of business and we have difficulty in processing our meat, the prices will go up and we will have demands for increasing quotas to bring in Costa Rican beef, Argentine beef, or beef from some other country in South America, or New Zealand or Australia. This beef will be brought in without any of the sanitary requirements except the most elementary.

PROPOSED ELIMINATION OF F–111 AIRCRAFT APPROPRIATION FROM FISCAL 1971 BUDGET

Mr. PERCY. Mr. President, last week in a speech before the Senate I indicated my intent to go over the fiscal 1971 budget with a fine-toothed comb to eliminate as many programs as I could possibly find that might be of dubious value. I suggested it would be possible to reduce our deficit by at least $4 billion. This is going to be essential, in my judgment, because of the adjustments we already see coming forward in the 1971 fiscal budget. The President originally forecast a surplus of $1.3 billion; the present official estimates now are for a deficit of $1.3 billion. I have made my own calculations and can forecast a deficit of at least $6 billion. I think such a deficit would be a disaster when we take into account the impact that the Federal budget has on commercial programs such as housing, and the impact it has on such economic problems as inflation.

For this reason, I feel we must cut the budget by at least $4 billion, taking into account that additional revenue can be gained if Congress will approve the President's request for a revenue increase, in an amount exceeding $1 billion, from the leaded gas tax that he has proposed.

In a little over a week now, I have already suggested reductions that total almost $1 billion. In the process of the review I have been making, it now appears apparent that the goal of eliminating $4 billion without affecting vital priority programs is a modest one. I am taking into account that budget cuts must be made in *military* expenditures as well as civilian expenditures, in domestic programs as well as programs overseas.

Today I call for the elimination of the F–111 aircraft appropriation from the fiscal 1971 budget in order to reduce the fiscal 1971 budget by another $350 mil-

lion. The current Air Force contract for the F–111 ends in June. The Air Force requested funds for an additional 43 planes. The F–111 project, in my opinion and in the opinion of many other students of this subject, has been a disaster. The additional $350 million should not be added as another strain on the economy at this time. We will have expended nearly $6.8 billion on this program to purchase some 490 production airplanes, all of which are grounded.

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

Mr. PERCY. I request an additional 2 minutes.

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

Mr. PERCY. The F–111 project has been an unfortunate investment from its very inception. We embarked on the project by being told that each plane would cost $3.6 million. The cost so far has jumped to $16 million per plane—over a fourfold increase. And we now have an airplane that cannot perform its mission and, as I said, has even been grounded because of structural failures.

Now, at a time when we are doing everything possible to cut waste in the Federal deficit, it seems the perfect opportunity to say "No" to the request for 40 additional F–111's, thus cutting another $350 million out of the fiscal 1971 budget.

Previously I have called for the elimination of the SST appropriation which, as budgeted, would save $289 million. I have called for elimination of the 50 percent "U.S. bottoms requirement" for shipping food surpluses, which would save $130 million annually. I have called for reduction of the Department of Defense's 50-percent price differential for overseas procurement to the 6-percent and 12-percent levels used by other agencies and departments, which would save $40 million. I have asked for the imposition of a $20,000 ceiling on farm surplus payments—my colleague from Illinois, Senator RALPH SMITH, has put in a bill to provide for that—which would result in a $180 million saving.

In other words, the savings I have called for to date total $989 million. I have a minimum of another $3 billion to go. I hope in succeeding weeks to find and identify items that can be taken out of the 1971 budget in order to get us back to a position of fiscal responsibility from the standpoint of the Federal impact on the national economy.

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

The PRESIDING OFFICER. Without objection it is so ordered.

PRESIDENT NIXON IS URGED TO VETO H.R. 4249, AMENDMENT TO VOTING RIGHTS ACT OF 1965

Mr. ALLEN. Mr. President, on yesterday, when news of the action of the House of Representatives on H.R. 4249, the so-called voting rights bill and the lowering of the voting age to 18 by statute, reached the Senate, a number of Senators took the floor to express pleasure and satisfaction at the action of the House in passage of that measure. The Senator from Michigan spoke in that connection. The Senator from New York (Mr. JAVITS) spoke, as did the Senator from South Dakota, who also inserted a statement by the Senator from Massachusetts (Mr. KENNEDY). Only the junior Senator from Alabama rose to express dissatisfaction and displeasure at the action of the House in this connection.

Mr. President, I have taken the liberty of sending a telegram to the President of the United States urging that he veto this measure. The President made diametrically opposed recommendations to the Congress with respect to both aspects of the bill. He recommended a uniformity of application throughout the country of the Voting Rights Act, whereas the bill as passed continues to discriminate against seven Southern States. He recommended that the lowering of the voting age to 18 be handled by the submission of a constitutional amendment, which would, of course, have to receive the votes of two-thirds of the Members of the House and two-thirds of the Members of the Senate, and be ratified by three-fourths of the State legislatures, 38 in number.

The bill as passed makes an attempt to reduce the voting age to 18 by statute.

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

Mr. ALLEN. Mr. President, I request 3 additional minutes.

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

Mr. ALLEN. In the judgment of the junior Senator from Alabama, that clearly violates the intent of at least five provisions of the Constitution and its amendments. It clearly violates the intent of article I, section 2; article II, section 1; the 10th amendment to the Constitution; the 14th amendment to the Constitution, and the 17th amendment to the Constitution.

It is the opinion of the junior Senator from Alabama, for what it may be worth, that if the President does sign the bill and it does become law, that portion of the law which deals with 18-year-old voting will be stricken down by the Supreme Court when the matter reaches it for decision.

The wise use of the veto power by the President is an integral and salutary portion of the "checks-and-balances" system of government that we have in this country.

It is the opinion of the junior Senator from Alabama, and his request and his urging, that the President use his veto power with respect to this bill, because if the veto power is not used by the President in this connection, what good would it have been, what useful purpose would have been served, for the President to have had a different view with respect to the two aspects of the bill?

What good would it have been to recommend uniform application of the Voting Rights Act throughout the United States, and what good would it have been for him to have recommended a constitutional amendment on the 18-year-old voting, if he does not back up his opinion, his recommendations, his views of what is right and best and fair for the people of this country, through the use of the veto power at this time?

So, Mr. President, on today I have directed to the President of the United States the following telegram:

JUNE 18, 1970.

The PRESIDENT,
The WHITE HOUSE,
Washington, D.C.:

I respectfully urge you to veto H.R. 4249, the so-called voting rights bill. Both aspects of the bill, as passed, are contrary to your own recommendations to the Congress and therefore your veto of the bill would be consistent with the positions you have taken on the issues covered by the bill. Furthermore lowering the voting age by statute is clearly unconstitutional. In my judgment your veto would be sustained. Respectfully submitted.

JAMES B. ALLEN,
U.S. Senator.

Mr. MANSFIELD. Mr. President, as always, I have listened with appreciation to the distinguished Senator from Alabama, whose opinions are always worth listening to. We happen to be on different sides as far as the 18-year-old voting proposal is concerned. We expressed our views during the course of the debate and the Senate voted and now the House of Representatives has rendered its decision.

I would point out that there is far more to the bill which will be on the President's desk shortly than the question of 18-year-old voting. I would hope as well that the President, who has expressed his approval of giving the vote to the 18-year-olds—though he preferred the constitutional amendment route—would give this matter the most serious consideration, because I think it would help to calm some of the difficulties which have faced this country in recent years. Most importantly, I think it offers hope to the younger generation.

I would point out to my distinguished friend from Alabama—who knows this already—that if the bill is signed, there will be a court test immediately through the expediting appeal provisions of the measure. What the decision of the Supreme Court will be neither he nor I can tell at this time.

But, to repeat the arguments, I think that if young persons at 18 are treated as adults in the courts—and they are—if they pay taxes at 18—and they do—if they can sign contracts at 18—and they can—if they are eligible for marriage at 18—and they are—and if the young men are eligible to be called under a draft system at age 18—as they are—then I think they ought to have some say in the making of the policy which places their lives, their futures, and their hopes in jeopardy.

I would like to see these young people come into the two parties; whether into the Democratic or the Republican Party is immaterial to me. I would like to see them bring in new blood and new ideas. I would like to see them learn what a system like this really is, because I

think, despite our weaknesses, it is the best political system in the world.

They can make a great contribution, and they can help to eradicate the gap which exists between them and those of an older generation, like myself. They can help to unshackle some of us from ideas which have bound us hand and foot for too many years, and they can make a contribution. I think they ought to be given a chance.

It is my belief, furthermore, if I may say so to my good friend from Alabama, that if this bill is not signed, it will be decades before the 18-year-olds in this country outside of Kentucky and Georgia, the 19-year-olds outside of Alaska, and the 20-year-olds outside of Hawaii will have the chance to participate in the exercise of the franchise, and thereby in a small degree participate in the making of policy as well.

Mr. PERCY and Mr. ALLEN addressed the Chair.

Mr. MANSFIELD. I yield to my distinguished friend from Alabama.

Mr. ALLEN. Mr. President, I appreciate the remarks of the distinguished majority leader. As he points out, the bill does contain a second aspect in addition to the aspect of 18-year-old voting provided by statute. That has to do with the discriminatory so-called Voting Rights Act, which applies, under an automatic trigger provision, to seven Southern States automatically. I was pointing out that the President had a different recommendation which he made to Congress with respect to handling the matter of the protection of voting rights.

Mr. MANSFIELD. The Senator is correct.

Mr. ALLEN. Which was to have a uniform application of a single law for the entire country. We have had too many instances under the law where there is one law or one rule for the southern section of the country and a different rule for the remainder of the country. The Senator from Alabama was pointing out that he would prefer a Voting Rights Act that would apply uniformly throughout the country.

It is true that the 18-year-old voting by statute provision was added to this bill here in the Senate, and possibly it will be felt that on account of the general popularity throughout the country—outside the South—of the voting rights provisions, the President would be reluctant to veto a measure which had the voting rights provisions in it.

I believe that the President has displayed, on occasions, much courage, both personal and political.

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

Mr. ALLEN. I ask for 3 additional minutes.

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

Mr. ALLEN. This is another instance when the President would do well to back up his own recommendation and insistence that the matter of 18-year-old voting be handled by a constitutional amendment, and that the voting rights matter be handled by a law providing for uniform application of that law throughout the country.

The Senator from Alabama has difficulty following the reasoning of the distinguished majority leader in saying that it is now or never with respect to the 18-year-old voting, because here in this very body, we now have a constitutional amendment pending, with some 73 sponsors, that could be called up as soon as it comes out of the committee and be passed by the Senate, and would then go to the House of Representatives for action and be submitted back to the legislatures of the respective States, which, in the judgment of the junior Senator from Alabama, is necessary if we are to have a law that will stand a test of its constitutionality.

So the Senator from Alabama does hope that the President will exercise the veto power with respect to this bill, not just on account of the 18-year-old voting, which I assure the distinguished majority leader I am not opposing in principle, being one of the cosponsors of the constitutional amendment making that provision, but also on account by my opposition to the discriminatory so-called Voting Rights Act, which is seeking to add an additional 5-year discriminatory penalty on seven Southern States.

Mr. MANSFIELD. Mr. President, I am delighted that the Senator from Alabama has gone into such detail, because I had thought that even if the President did in some fashion eradicate the 18-year-old voting feature, he would still be against the bill and would still want the President to veto the bill, as he has now brought out quite clearly.

Mr. ALLEN. That is correct. I have often so stated.

Mr. MANSFIELD. While it is true that there are 73, 74, 75, or maybe 76 sponsors of a constitutional amendment, the Senator knows as well as I that that amendment has about as much chance as a snowball in Hades of getting out of the Judiciary Committee. He knows, furthermore, that it is relatively late in the legislative year. The session is well along—there is only another 6 months or so—and there is not much possibility, this year, of doing anything as far as both Houses of Congress are concerned.

The Senator is also aware that some of the Senators—though not the Senator from Alabama—who affixed their signatures to the constitutional amendment proposal did so, not with the idea that they would support the vote for the 18-year-olds, but only to add a little to the confusion which was becoming apparent some 2 months ago when this matter was being considered on the floor of the Senate.

Mr. ALLEN. I thank the distinguished majority leader.

One other thing that the junior Senator from Alabama would like to have the distinguished majority leader clear up for him is the leader's statement that it is going to be possible to get an early decision by the Supreme Court on the constitutionality of this statute, when, as the junior Senator from Alabama recalls, the effective date of the provision with respect to 18-year-old voting is not until January 1, 1971; and the Senator is well aware that the Supreme Court handles only justifiable controversies and does not handle questions merely asking for advisory opinions.

So the junior Senator from Alabama would like to be advised as to how such an early decision is going to be obtained from the Supreme Court. Does the Senator feel that the particular language of the bill makes that provision?

Mr. MANSFIELD. Mr. President, may I say, in response to the question raised by the distinguished Senator from Alabama, that he will be given an answer at an appropriate time. After all the proposal has not yet become law. We must proceed one step at a time. We have to first look to see whether or not the bill is signed. If it is not signed and is vetoed, the question becomes moot, unless the veto is overridden. If it is signed, or otherwise becomes law, then I will report fully to the Senate. I am convinced and on the basis of initial legal consultation, I think it is accurate to state that a number of avenues are available to assure the resolution of the constitutional questions well in advance of any election. Not being a lawyer myself, I would not venture to assert a legal opinion at this time but at the appropriate time, will submit for the record a full memorandum on this point.

Mr. ALLEN. The Senator from Alabama hopes, then, that he never receives any such report from the distinguished majority leader, because that report is to be made only if the bill is signed by the President. So the junior Senator from Alabama hopes he never gets any such report from the distinguished majority leader.

Mr. MANSFIELD. Again, we happen to be in different corners, but, as always, we are friendly opponents and only on specific subjects.

Mr. ALLEN. I thank the majority leader.

Mr. MANSFIELD. I thank the Senator.

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

Mr. MANSFIELD. I yield.

Mr. PERCY. I should like to associate myself with the position taken by the majority leader, and express the hope that the President will see fit to sign this bill for several reasons that to me are very compelling.

I try always to keep in perspective the position taken by many fine people of the Southern States, whose point of view the junior Senator from Alabama has eloquently and articulately expressed on the floor of the Senate many, many times. But there is a division of view even in the South on this, and I speak from the perspective of a father and of his ancestors before him having lived in Mobile, Ala. I was born in the South, across the bay, at Pensacola, though I have lived practically all my life in the North. But our roots and family heritage go back to the State of Alabama for many, many years.

So I have tried, through the eyes of my father, through the eyes of many of his friends and our acquaintances through the years in the South, to walk in their shoes and try to understand their problems, also. But when it comes to the right to vote, it seems fundamen-

tally apparent to me that, a hundred years after the War Between the States, there must finally be enacted some way of permitting all Americans, not just some Americans, to have their voices heard at the polls.

I think it is very interesting that in this one bill we have coupled the question of enfranchisement of 18-year-olds with the voting rights bill. I can recall vividly it was the young people who years ago, in the summers, went down to the South to study this problem.

I know that their presence there was greatly resented by some, and I know that they resented as well some of the occasional abuse they received—physical and verbal—at the hands of some people—none of actions. I am sure, being condoned by the distinguished junior Senator from Alabama. These young people helped begin the registration drive that enabled people who had been Americans long before many of us, but denied the right to exercise the privileges of citizenship because of their black skin, to register and vote.

In the State of Mississippi, which I recently visited when attending the funeral services of the young people who were killed at Jackson State College, we had only 33,000 registered voters as of only a few years ago. Now that the voting rights bill of 1965 has been enacted, that number has been increased a thousand-fold. We have increased from zero elected officials of the black race to some 91 who now hold public office. We have given them a position of dignity and responsibility within the elective system as a result of this voting rights bill.

I trust the President will now respond to the overwhelming voice of this body as well as that of the House of Representatives. Even though we did not see fit to enact the measure that the Justice Department proposed and rather extended the bill which has served the purpose so well since 1965, I trust the President will be responsive, by placing his signature on that bill to an overwhelming indication from Congress that we feel this bill is right in substance, in language, and in effect and should be continued.

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

Mr. PERCY. I ask unanimous consent that I may proceed for 3 additional minutes.

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

Mr. PERCY. I trust, also, that the President, who deeply believes, as many of us do, that the 18-year-old citizen should have the vote and should be permitted to take his responsible place in the elective process now, would leave to the courts the decision as to whether this change in the law can be made through statute or through a constitutional amendment.

There is exceedingly competent judicial counsel on both sides of this issue. Many distinguished constitutional lawyers in the law schools in the State of Illinois maintain that this change must be in the form of a constitutional amendment in order to extend effectively the vote to the 18-year-old. I believe that even if the court ultimately does decide that the law we have passed is unconstitutional, it would at least be a symbol to the young people that we mean what we say, that we are going to test it where it should be tested—in the courts—and that we are not going to attempt to prejudge it. We must let the courts make that decision, because there is strong evidence and strong judicial opinion on both sides of the issue, and it can only be ultimately decided by the Supreme Court.

I hope it could be settled, so there would be no confusion, by the time of the national elections of 1972. Then if the decision is reversed, it will be fully understood by the young people of the country at that time, and I think be accepted by them. But I am afraid a veto of the bill by the President would be misunderstood by the young people of this country.

I draw upon the experiences of two Southern States which have already the 18-year-old vote—Georgia and Kentucky, as the distinguished junior Senator from Alabama knows. I am not as familiar with the situation in Georgia as I am with that in Kentucky. Kentucky is a sister State, and I well remember the words of the distinguished junior Senator from Kentucky when he pointed out that the young people have had the vote there since, I believe, 1953, and if a referendum were held in the State today, not 1 percent of the voters of that State would vote to take away the 18-year-old vote. They have been responsible voters. They have been responsible party workers, in both parties, and they have exercised their privilege of voting in an exceedingly responsible way. They are an integral part of the elective process of the State of Kentucky.

I cannot believe that if it works in Kentucky, it will not work in Illinois, in Alabama, or in any of the other States. The right to vote would give young people who are moderate in their approach, but who are dissenting from certain things in modern society today, a mechanism by which they could implement their ideas. That is terribly important in order to remove the polarization and the alienation that many of our young people feel. It gives them an alternative to the violence and the extremist measures of those on the radical left who are really trying to wreck society, and it provides a constructive alternative for those who are constructively discontented but have no way really to implement and bring about an effective voice in government.

For that reason, I sincerely hope the President will sign this bill. I respectfully disagree with my distinguished colleague the junior Senator from Alabama.

Mr. ALLEN. I thank the distinguished Senator. I know that there is not time to answer all of the comments of the distinguished Senator from Illinois because it has come time to lay down the unfinished business; but I invite the attention of the majority leader to the fact that one small contribution the junior Senator from Alabama made to the bill was the addition of the six words, "except as required by the Constitution."

Thus, I do hope that those words will have some bearing on the matter when the act comes before the Supreme Court for decision.

Mr. MANSFIELD. The Senator from Montana should recall to the junior Senator from Alabama that he was one of those who supported the Stennis-Ribicoff amendment.

Mr. ALLEN. Yes, sir; I remember that and appreciate the Senator's vote very much.

Mr. MANSFIELD. I thank the Senator.

PRESIDENT NIXON'S ADDRESS ON ECONOMIC POLICY AND PRODUCTIVITY YESTERDAY

Mr. MANSFIELD. Mr. President, I have read with interest the President's speech on the economy. There is merit in what he had to say. He has brought forth some good suggestions, such as the creation of a commission, the publication of statistics, and the establishment of a regulations and purchasing review board. Those are all steps in the right direction. How effective they will be remains to be seen.

The President had some good thoughts. He stated:

> The fight against inflation is everybody's business.

Mr. President, it most certainly is.

It is the Congress business as well as the administration's business. I would hope that we would be able to work together on a cooperative basis, without delving into the past, into the 8 years of the preceding administrations, or into the 17 months of the present administration. I would hope we could set our sights on the present and work together and plan for the future in tandem, in coordination, and in cooperation.

Mr. President, there are some matters that we just cannot lose sight of, that cannot be buried or ignored because the figures speak for themselves.

For example there is no question that, at the present time, there is an unemployment rate in excess of 5 percent; I say more than 5 percent because when the latest figures were publicized, the high schools and colleges had not yet let out—an event which unleashed a tremendous number of young men and women on the labor market, looking for jobs, looking for work and not finding it, adding greatly to the unemployment total.

Inflation, according to the findings of the Federal Reserve Board of St. Louis last month, based on April figures, at the present time stands at 7.2 percent or more.

The financial markets go up and down, exhibiting the gravest instability in decades.

Speaking of the market, they tell me this is significant, at least when it goes down—I cannot speak from personal experience or participation because I own no stocks, so I have to depend on what others say—and interest rates are up the highest since 1864. I repeat, the highest since 1864—over 100 years.

Credit is tightening.

The money supply is tightening.

Profits are down, generally, but bank

profits have gone unchecked to their highest levels in history.

International payment deficits are on the rise.

The dollar is in trouble.

These are the economic facts of life. They spell out what is happening in this country; not what happened last week, last year or a decade ago, but what is happening today.

Mr. President, I note that in the President's address to the Nation he urged—

The Congress to pass the legislation I proposed nearly a year ago to expand and strengthen our unemployment insurance system.

Well, the measure has passed both Houses and the conference report on the unemployment insurance system was filed May 5, 1970.

In the next paragraph, the President urges—

The Congress to pass the Manpower Training Act which provides an automatic increase in manpower training funds in times of high unemployment.

He also asks in the same paragraph—

for full appropriation for the Office of Economic Opportunity and I request the Congress to provide at once a supplemental budget of $50,000,000 to provide useful training and support to young people who are out of school for the summer months.

That second part of that paragraph dealing with summer employment for young people is satisfied in the supplemental appropriation bill. So far as the Manpower Training Act is concerned, the Senate Subcommittee on Labor and Public Welfare now has it under consideration. The House Education Subcommittee hearings are now underway. So far as the supplemental bill is concerned, which would include the $50 million for summer employment, it has passed the House. It is now on the Senate calendar. We hope it will be brought up next week.

On a third item, the President said:

I support the establishment of an insurance corporation with a Federal backstop to guard the investor against losses that could be caused by financial difficulties of brokerage houses.

It is my recollection that this bill was introduced by the distinguished Senator from Maine (Mr. MUSKIE) originally one year ago this month. As I understand it, nothing has been forthcoming from either the administration or the industry in the way of support until only very recently. So I am sure the President and the Senator from Maine can now work together to accelerate consideration of the bill.

On a fourth item, the President said:

To relieve the worries of many of our older citizens living on fixed incomes, I urge the Congress to pass my proposal to tie social security benefits to the cost of living.

The social security bill, so-called, passed the House on May 21. The Senate Finance Committee hearings began on June 17, but before that, it was sent back to the executive branch for revisions which were deemed necessary.

On a fifth item, the President said:

I strongly supported the Emergency Home Finance Act of 1970. This would attract as much as $6 billion into the housing market in the coming fiscal year. More than a third of a million families need this legislation for home financing now; the resulting new construction of more than 200,000 houses will also help provide many new jobs. I urge the House to act promptly on the housing bill passed unanimously by the Senate and awaiting action for three months in the House.

Mr. President, as I recall the Emergency Home Finance Act of 1970, it was discussed by the President on Thursday last. He stated at that time, if my memory serves correctly, that he had sent a message, with accompanying legislation, to the Congress, I believe, last February.

I have spoken with various members of the Committee on Banking and Currency and I can find no evidence that a message was sent, or that any legislation was sent. I do know for certain, however, that a five-part package of legislation was reported by the Committee on Banking and Currency and was passed soon thereafter. It was labeled the "Emergency Home Finance Act" by the Senate committee.

As the President said, the Emergency Home Finance Act of 1970, a congressionally initiated House bill—

was passed unanimously by the Senate. . . .

Then the President said:

I have asked the Congress for greater authority for the Small Business Administration to stimulate banks and others to make loans to small businesses at lower interest rates. I submitted this legislation to Congress 3 months ago.

The Senate Committee on Banking and Currency hearings cover the period June 15 to 17, 1970, and I would anticipate, so far as the Senate is concerned, that the President's request and suggestion would be given quick consideration.

Then, on a seventh item, the President said:

To strengthen our railroad industry, I am asking for legislation that will enable the Department of Transportation to provide emergency assistance to railroads in financial difficulties.

The Railroad Passenger Service Act passed the Senate on May 6, 1970. And I am informed that House activities in this area are underway.

Mr. President, my main purpose in speaking at this time is to hold out the hand of friendship, accommodation and cooperation to the President in facing up to the economic difficulties which he has said is the business of all of us. We do have difficult problems confronting us.

It is true that not all of the problems are of the President's making; he inherited some. It is true that unemployment has exceeded what the President thought it would. He has said so.

It is true that inflation has exceeded what he thought it would be. He has said so.

He has been frank in those respects. And I must commend him for it. But I would hope, to repeat, that instead of going back over the years of the previous administration or the past 17 months of this administration, Congress and the President would forget any politics which might be involved and any differences we might have to the end that we may work together for the common good. We ought to forget that there is election in November, and forget personal hopes for success. We ought to do what we can do together, to the end that the economic difficulties which confront the Nation can be alleviated on a cooperative basis by the President and the Congress.

Mr. President, I ask unanimous consent that there be printed in the RECORD the resolution unanimously adopted by the Senate Democratic Policy Committee on June 16, 1970, and unanimously adopted by the full Democratic conference on June 18, 1970.

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

RESOLUTION ADOPTED BY THE SENATE DEMOCRATIC POLICY COMMITTEE

June 16, 1970

Whereas, the Senate Democratic Policy Committee, having met on the matter of the economy and taken note of recent statements that current Administration policies are working, observes, nevertheless that the current rate of inflation is in excess of 7% and continues to burden, in particular, persons on Social Security, pensions, or other fixed income and

Whereas, it recognizes that interest rates have reached the highest levels in over 100 years and continue to cause hardship to housing, municipal governments, school districts, farmers, small businesses and the like; and

Whereas, it further recognizes that the current rate of unemployment of 5% or more is steadily rising and that severe instability exists in the financial markets and

Whereas, it further recognizes that the economy has in fact entered a recession, it is hereby,

Resolved that the Administration assume its responsibilities for dealing with the recession by pursuing a balanced set of monetary and fiscal actions and by convening a national conference on inflation and unemployment; it is further

Resolved, that business and labor should be enlisted by the Administration in an immediate effort to reestablish wage and price guideposts in order to restrain increasing costs and prices; it is further

Resolved, that the Administration act to relieve the situation in the housing industry by the application of the authority over credit and interest already provided by Congress and it is further

Resolved, that the Administration join with the Congress in such other measures as may be required to check the decline in the economy.

SUMMARY OF THE CAMBODIAN SANCTUARY OPERATIONS

Mr. PERCY. Mr. President, on behalf of the minority leadership, I ask unanimous consent that a summary of the results of the Cambodian sanctuary operations as of June 18, 1970, be printed in the RECORD.

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

RESULTS OF CAMBODIAN OPERATIONS, JUNE 18, 1970

Individual weapons	19,955	[1] −86
Crew-served weapons	2,381	+6
Bunkers/structures destroyed	10,316	+60
Machine gun rounds	3,984,610	+100
Rifle rounds	9,325,764	+17,381
Total small arms ammunition (Machine gun and rifle rounds)	13,310,374	+17,481
Grenades	53,455	+500
Mines	5,270	+40
Miscellaneous explosives (pounds) (includes satchel charges)	81,000	[2]
Anti-aircraft rounds	166,153	[2]
Mortar rounds	63,500	+754
Large rocket rounds	1,934	[2]
Smaller rocket rounds	39,355	+187
Recoilless rifle rounds	27,471	+70
Rice (pounds)	13,236,000	+234,000
Man months	291,192	+5,148
Vehicles	399	[2]
Boats	90	[2]
Generators	36	[2]
Radios	238	[2]
Medical supplies (pounds)	54,000	+11,670
Enemy KIA	10,383	+26
POW's (includes detainees)	2,216	+1

Note: Figures do not include 70 tons of assorted ammunition.
[1] Field adjustment.
[2] Unchanged.

THE PRESIDENT AS COMMANDER IN CHIEF

Mr. ALLOTT. Mr. President the current debate has ranged widely—though not improperly so—and it has explored many vital matters with proper thoroughness.

The common thread running through this debate, and making it a debate of genuine constitutional significance, has been the question of Presidential power. Specifically, the question has concerned the proper latitude to be enjoyed by the President when acting in his capacity as Commander in Chief.

As this debate has continued, I have received a steady flow of significant communications from scholars in every section of the Nation. These men have been anxious to rebut the arguments currently being used to attack the President's traditional powers as Commander in Chief. This outpouring of support for the President from the academic community has been impressive and gratifying. For several weeks now I have been sharing these communications with all the Senators participating in this important and complex debate. I intend to continue doing this as long as our properly thorough debate continues.

Yesterday, it was my pleasure and privilege to share with all Senators a portion of a particularly impressive communication I have received. It was from Prof. Stefan T. Possony.

Professor Possony is professor of political science and director of the international political studies program at the Hoover Institute on War, Revolution, and Peace, at Stanford University. His publications include numerous articles in scholarly journals and such books as "Tomorrow's War," "Strategic Air Power," "International Relations," A Century of Conflict," "Lenin, The Compulsive Revolutionary," "Strategie des Friedens," "The Geography of Intellect," and "The Legality of the U.S. Action in Vietnam."

Yesterday, I shared with the Senate two chapters from an extensive memorandum prepared for me by Professor Possony. The memorandum is entitled "Indochina and American Security" and it deals with many of the issues relating to this current debate.

This memorandum is an astonishingly capable response to the fast-breaking events of recent months. Today I want to share with the Senate two more chapters from this memorandum. These chapters are entitled "Constitutional Crisis or Congress as Usual?" and "Dangers and Self-Deceptions."

Professor Possony has an interesting diagnosis of our recent debate. He says this:

The initial hostile reaction to President Nixon's initiative in Cambodia was that he must be forced to withdraw all troops *immediately*. Many Senators felt that the powers of Congress had to be reasserted and redefined, that the powers of the President had to be cut down to size, and that the time had come as Senator Mansfield put it, to "clear the table and start from scratch."

Such wondrous results, of course, cannot be achieved by a declaration or a resolution, but require legislation through which the President is denied the funds he needs for the operations which Congress finds objectionable.

The insight that Congress can exercise power only through legislation and not through oratory, but that it can place legislative restrictions on U.S. strategy, had a very sobering effect. President Nixon announced explicit time and space limitations on the American operation in Cambodia, and the Senate returned to moderation. After all, legislation must be accepable to the House which is closer to the voters and whose majority still supports the war. Moreover, legislation must not run the risk of veto—there is no absolute majority to override it; and it is unlikely that a legislative strike would be feasible.

The powers are separate but they must work together. Hence, inevitably, the forces of compromise went to work. The show was, in fact, an impressive demonstration of the genius of the American system. Suddenly there was a consensus in the Senate that a constitutional crisis was *not* to be provoked and that Congress would *not* try to enlarge its powers at the expense of those held by the President.

Professor Possony believes that there has been a significant shift in the focus of our debate. Perhaps he is right. He argues that the desire to restrict the current Cambodian operation changed into a desire to concoct restrictions on future action. He says this:

Now, it became a matter of ensuring that *in future*, President Nixon would not get into a war to defend Cambodia or the Lon No. 1 government. He would *not* be prohibited to send American forces back across the border if that be necessary to protect American lives, but he should not start a *new* war about Cambodia without Congressional concurrence. The text of the amendment, however, is less clear on these points than the explanations of its sponsors.

In other words, the President was told that he should not plan to do something which he never intended to do in the first place; and that if he wanted to conclude a *de facto* or *de jure* alliance with Cambodia (which he doesn't), he will need the approval of Congress. The White House knows this requirement just as well as the fact that even the stork can't deliver any babies if their prospective papas don't find prospective mamas.

All this is puzzling to Professor Possony, and who can wonder why? Writing a distinguished memorandum—which is really a fine essay in contemporary history—he has a certain detachment and distance from which to view all our actions. Perhaps he sees things with a special clarity. One thing is sure. He asks some pertinent questions. This paragraph is particularly interesting:

Either the Senate acts in concert with the President or it asserts its authority which for decades it has allowed to erode. One wonders whether the Senatorial critics were wrong when in previous years they allowed, on their present reading, the Senate to be impotent; or whether they are wrong now when they want to "confront" the Senate's responsibilities. They can only mean that since the power of the Senate has declined (which is an incorrect premise), they now want to add to this power. Yet such a "power grab" would not be feasible if it were pursued openly.

Professor Possony has some incisive questions about the legal arguments sent to the Senate by some members of the Yale Law School. Senators will recall that I have heard from some distinguished members of the Yale Law School faculty. To be specific, I have received—and shared with the Senate, a lengthy letter from Profs. Eugene V. Rostow, Robert H. Bork, and Ralph K. Winter, Jr. This letter appeared in the RECORD of June 4 on pages 18336 through 18339. Clearly, the Yale Law School community is of several minds on the subject of the President's role as Commander in Chief.

With this in mind, it is worth examining Professor Possony's dissent from some views expressed by some Yale Law School people. Again, he asks an interesting question. He says this:

On May 21, Senator Percy inserted in the *Congressional Record* a legal study on the alleged constitutional crisis. This study, which was prepared by professors and students of the Yale Law School, based itself on a "theory of the power relationship between Congress and the President" developed by the late Justice Jackson. "A large measure of power to make national policy is fixed in neither the Presidency nor the Congress, but rather fluctuates with the initiatives and actions of each branch." "Either branch can almost always block action by the other." The authors stress that in case of a clash of wills, "the conflict would best be resolved through the spirit of cooperation."

This is true, and it is also true, though the point was not mentioned, that mutual blocking has never yet occurred. Perhaps it was not the "spirit of cooperation" which prevented the separate powers from flying apart. Perhaps the lawyers have not yet quite grasped how the constitutional arrangement really *compels* cooperation.

The Yale study is not really interested in cooperation. Its authors are for peace in Indochina, hence they want to press conflict in the United States. They argue that Congress has the responsibility to preserve its integrity and power: "The major questions concerning peace and war in Indochina approach the zone of authority which belongs exclusively to the Congress." This assertion, whose key word is "exclusively", is described as an "opinion"—it is that, and it is also silly. The Yale lawyers continue: "Never before has a President committed so much of our human and material resources, so much

of our moral fibre, for so long a time, when there was so little urgency." This statement hardly stands analysis.

Yet on such premises, these *luminia* of the legal profession suggest "Congressmen cannot, they must not, allow the President to take the initiative in the zone which is exclusively legislative". Congressional action or inaction "will define for the future the boundary between the twilight and exclusively legislative zones. . . . If Congress decides it must act, it will not precipitate a constitutional crisis: For we are in a constitutional crisis. And it is a crisis in which Congress cannot avoid a response—in this situation, inaction is a response. Inaction, just as surely as will action, will define the boundaries of constitutional power for years to come." (*Congressional Record*, May 21, 1970, pp. 16478–16481.) But while the lawyers at Yale were laboring to provoke a constitutional crisis, on the grounds that the crisis was already here, Congress at Washington already was aborting this particular revolutionary baby.

Senator Percy failed to inquire what the Yale Law School hoped to accomplish through a constitutional crisis and whether they were aware of the possible effects of such a crisis, including the destruction of the American constitutional system.

Somewhat by implication, the Yale lawyers argued that the President can act independently in "situations in which the national interest requires speedy action." Aside from the fact that a separation of powers along the line of "speed" would be unworkable, this is hardly the whole range of Presidential freedom of action. I shall not enumerate the President's powers but obviously, he is also responsible for secrecy, and he owns that responsibility by explicit statute. An action required in the national interest does not have to be speedy: if secrecy is mandatory, because it is a prerequisite of success or an indispensable protection against failure, the President is entitled to act independently. It is exclusively his judgment whether he can confide in Congresssional leaders or cannot risk leaks that would jeopardize the operation. Is that the point where the shoes of some Senators are pinching?

In any event, the statistics show that the U. S. formally declared war, or declared the existence of a state of war, in less than 4% of the cases, or once every 27th military confrontation. Many of the Senators who raise constitutional questions never did so when they supported earlier Presidential actions of exactly the same type as the Cambodian initiative. Senator Dominick was right when he was "tempted to conclude that the legal principle of equitable estoppel precludes raising at this late date the question of the legality of this chain of events."

While Professor Possony does not think there is a real constitutional crisis in America, he does think we are in a crisis situation. In fact, one of the serious dangers of thinking that the President's Cambodian decision precipitated a "constitutional crisis" is that it distracts us from the real dangers of the world. He says this:

Although the United States probably does not find itself in a constitutional crisis, it has been for years in a serious crisis of national security. This crisis, unfortunately, continues to grow. Some of the salient features of this crisis were summarized privately by Mr. Nixon; the President's remarks were reported by Admiral Smedberg whose account was inserted by Senator Thurmond in the *Congressional Record* (May 22, 1970, p. 16775). The President identified no less than ten strategic weapon threats. This list did not purport to be complete, and it did not extend to theater and tactical problems, such as NATO, Vietnam, Israel and Cuba. Several years will elapse before the crisis in nuclear security will mature; and perhaps the United States will take timely counter-measures to forestall such maturation, or else we shall be in mortal danger. The existence, severity, and growth of this crisis have escaped the average voter, partly because Congress has not yet shown much alarm. The Public has been conditioned against national defense and does not understand the problems involved. It is indeed politically difficult to evoke strong concern about anticipated events which need not eventuate as real threats. The public also resists the insight that technology moves on inexorably and that, therefore, defense must be repeatedly restructured and up-dated.

Mr. President, so that all Senators can ponder Professor Possony's incisive and sobering analysis, I ask unanimous consent for the two chapters I have been discussing to be printed in the RECORD.

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

CHAPTER III

CONSTITUTIONAL CRISIS OR CONGRESS AS USUAL?

The initial hostile reaction to President Nixon's initiative in Cambodia was that he must be forced to withdraw all troops *immediately*. Many Senators felt that the powers of Congress had to be reasserted and redefined, that the powers of the President had to be cut down to size, and that the time had come, as Senator Mansfield put it, to "clear the table and start from scratch".

Such wondrous results, of course, cannot be achieved by a declaration or a resolution, but require legislation through which the President is denied the funds he needs for the operations which Congress finds objectionable.

The insight that Congress can exercise power only through legislation and not through oratory, but that it can place legislative restrictions on U.S. strategy, had a very sobering effect. President Nixon announced explicit time and space limitations on the American operation in Cambodia, and the Senate returned to moderation. After all, legislation must be acceptable to the House which is closer to the voters and whose majority still supports the war. Moreover, legislation must not run the risk of veto—there is no absolute majority to override it; and it is unlikely that a legislative strike would be feasible.

The powers are separate but they must work together. Hence, inevitably, the forces of compromise went to work. The show was, in fact, an impressive demonstration of the genius of the American system. Suddenly there was a consensus in the Senate that a constitutional crisis was *not* to be provoked and that Congress would *not* try to enlarge its powers at the expense of those held by the President.

After the constitutional crisis aborted, Senator Fulbright explained that he did not believe Mr. Nixon or his Cambodian timetable.[1] So it became a matter of "curbing the man and not the office", as Mr. Tom Wicker wrote in the *New York Times*. Mr. Wicker explained: "A clear distinction needs to be made between the powers of the Presidency, on the one hand, and the particular policy of a particular President, on the other. About the first, Congress can do nothing by statute; about the second, it can do much, if it will."

But the move to "curb" Mr. Nixon through amending the Foreign Military Sales Act just wasn't going fast enough to do much good. Accordingly, and in line with the unbroken tradition, the Senate accepted the Cambodian operation and gave up attempts to undo it.

Now, it became a matter of ensuring that *in future,* President Nixon would not get into a war *to defend Cambodia* or the Lon Nol government. He would *not* be prohibited to send American forces back across the border if that be necessary to protect American lives, but he should not start a *new* war about Cambodia without Congressional concurrence. The text of the amendment, however, is less clear on these points than the explanations of its sponsors.

In other words, the President was told that he should not plan to do something which he never intended to do in the first place; and that if he wanted to conclude a *de facto* or *de jure* alliance with Cambodia (which he doesn't), he will need the approval of Congress. The White House knows this requirement just as well as the fact that even the stork can't deliver any babies if their prospective papas don't find prospective mamas.

In addition, the Church-Cooper amendment is supposed to help the President carry out his strategy. It is based on the explicit profession by several of its sponsors that, unlike Senator Fulbright, in his excited phase, they fully trust the President. So, the plan of "curbing the man" also evaporated.

Unfortunately, the amendment cannot be entirely whitewashed, and the true intentions of its sponsors are not clear. Thus, Senator Mansfield deplores the "decades of erosion of Congressional responsibility" and added: "We have reached the end of the line in Cambodia. It is time to confront our own constitutional responsibilities in matters of war and peace, to accept them and to act on them." (*Congressional Record*, May 20, 1970, p. 16316.)

On the same day, Senator Church declared: "The time has come, after many years of impotence, for Congress to assert its own authority." Yet he also said the amendment does not call into question "any powers the President derives directly from the constitution", while Senator Mansfield explained that by adopting the Cooper-Church amendment "the Senate will be acting in concert—and let me emphasize those words 'in concert'—with" the President's intent.

Either the Senate acts in concert with the President or it asserts its authority which for decades it has allowed to erode. One wonders whether the Senatorial critics were wrong when in previous years they allowed, on their present reading, the Senate to be impotent; or whether they are wrong now when they want to "confront" the Senate's responsibilities. They only can mean that since the power of the Senate has declined (which is an incorrect premise), they now want to add to this power. Yet such a "power grab" would not be feasible if it were pursued openly.

The fact remains that the Senate will not even try to play the strategist's role.[2] The fact also is that Congress and President must act in concert. Hence the trend has been in direction of resuming and continuing cooperation between Congress and the President. The incipient constitutional crisis was averted, or almost so, and we are getting back to normal legislation on budgetary allocations.

[1] Senator Fulbright later amended his position: "I know of no one in the Senate who questions the President's desire for an end to the war, but many of us are very doubtful, indeed, that his present course can lead to peace." (*Congressional Record*, May 28, 1970, p. 17409.)

[2] Amendment No. 609 which is designed "to end war" (sic !) seems to have no chance of acceptance. There have been 75 wars since 1945 when the United Nations was organized—three wars per year, and yet some *were* prevented. (*Congressional Record*, May 28, p. 17235.)

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The Yale study is not really interested in cooperation. Its authors are for peace in Indochina, hence they want to press conflict in the United States. They argue that Congress has the responsibility to preserve its integrity and power. "The major questions concerning peace and war in Indochina approach the zone of authority which belongs exclusively to the Congress." This assertion, whose key word is "exclusively", is described as an "opinion"—it is that, and it is also silly. The Yale lawyers continue: "Never before has a President committed so much of our human and material resources, so much of our moral fibre, for so long a time, when there was so little urgency." This statement hardly stands analysis.

Yet, on such premises, these *lumina* of the legal profession suggest "Congressmen cannot, they must not, allow the President to take the initiative in the zone which is exclusively legislative." Congressional action or inaction "will define for the future the boundary between the twilight and exclusively legislative zones . . . If Congress decides it must act, it will not precipitate a constitutional crisis: For we are in a constitutional crisis. And it is a crisis in which Congress cannot avoid a response—in this situation, inaction is a response. Inaction, just as surely as will action, will define the boundaries of constitutional power for years to come." (*Congressional Record*, May 21, 1970, pp. 16478–16481.) But while the lawyers at Yale were laboring to provoke a constitutional crisis, on the grounds that the crisis was already here, Congress at Washington already was aborting this particular revolutionary baby.

Senator Percy failed to inquire what the Yale Law School hoped to accomplish through a constitutional crisis and whether they were aware of the possible effects of such a crisis, including the destruction of the American constitutional system.

Somewhat by implication, the Yale lawyers argued that the President can act independently in "situations in which the national interest requires speedy action." Aside from the fact that a separation of powers along the line of "speed" would be unworkable, this is hardly the whole range of Presidential freedom of action. I shall not enumerate the President's powers but obviously he is also responsible for secrecy, and he owns that responsibility by explicit statute. An action required in the national interest does not have to be speedy: if secrecy is mandatory, because it is a prerequisite of success or an indispensable protection against failure, the President is entitled to act independently. It is exclusively his judgment whether he can confide in Congressional leaders or cannot risk leaks that would jeopardize the operation. Is that the point where the shoes of some Senators are pinching?

In any event, the statistics show that the U.S. formerly declared war, or declared the existence of a state of war, in less than 4% of the cases; or once every 27th military confrontation. Many of the Senators who raise constitutional questions never did so when they supported earlier Presidential actions of exactly the same type as the Cambodian initiative. Senator Dominick was right when he was "tempted to conclude that the legal principle of equitable estoppel precludes raising at this late date the question of the legality of this chain of events."

Chapter IV

Dangers and Self-Deceptions

Although the United States probably does not find itself in a constitutional crisis, it has been for years in a serious crisis of national security. This crisis, unfortunately, continues to grow. Some of the salient features of this crisis were summarized privately by Mr. Nixon; The President's remarks were reported by Admiral Smedberg whose account was inserted by Senator Thurmond in the *Congressional Record* (May 22, 1970, p. 16775). The President identified no less than ten strategic weapon threats. This list did not purport to be complete, and it did not extend to theater and tactical problems, such as NATO, Vietnam, Israel, and Cuba.

Several years will elapse before the crisis in nuclear security will mature; and perhaps the United States will take timely countermeasures to forestall such maturation, or else we shall be in mortal danger.

The existence, severity, and growth of this crisis have escaped the average voter, partly because Congress has not yet shown much alarm. The public has been conditioned against national defense and does not understand the problems involved. It is indeed politically difficult to evoke strong concern about anticipated events which need not eventuate as real threats. The public also resists the insight that technology moves on inexorably and that, therefore, defense must be repeatedly re-structured and up-dated.

Some twenty years ago Congress and the American people were much aroused to the danger, not just to the United States, but to freedom, to the representative system of government, and to the progress of democracy. It was easy to conceive the threat under the overpowering symbol of Stalin, and the U.S. took many measures which were necessary to keep the danger under control. Since that time, the International Communist Movement has undergone several changes and the direct threat against Western Europe, which the average American regards as the primary foreign security interest of the United States, has receded; or seemingly so. There occurred a number of acute confrontations, among which the conflict in Vietnam is only the most outstanding example, yet the impression has been gaining ground that the "cold war" is slowly grinding to a halt. Little attention was paid to the fact that the USSR has continued to arm itself steadily for the transparent purpose of establishing strategic superiority over the United States.

When the United States intervened in Vietnam, the predominant opinion was that Hanoi was acting as a "stalking horse" for Peking and that despite a few recent ideological differences between Moscow and Peking, the communist aggression in Southeast Asia was a major phase of the communist world revolution. Hence, under the writ of our bi-partisan strategy of containment, this particular operation had to be resisted. In addition, the undertaking was described by the communists as a test case to demonstrate the efficacy of "people's war" and the feasibility of defeating the United States through guerrilla operations.

Those premises are now being questioned by several Senators. Basing themselves on academic studies, the opponents of the Vietnam war like to argue that (1) Hanoi is its own master and is fighting for the overriding and perhaps sole purpose of unifying Vietnam; (2) this particular war is not related to any plans Moscow may have for world conquest; and (3) there is no single communist "conspiracy" aiming at world revolution. Hence we are engaged in a purely local and nationalistic affair which does not affect U.S. security in any meaningful way.

Some argue that the strengthening of Hanoi, perhaps even the assumption by North Vietnam of control over the whole of Indochina, would be to the detriment of any aggressive plans Red China may have.

The Vietnam war is "a very particular war—in a particular place, characterized by a particular kind of terrain and weather, peopled by a particular breed of men and, above all, conditioned by a particular history", to quote Mr. Townsend Hoopes, former Under Secretary of the Air Force. (*Congressional Record*, May 19, 1970, p. 16107.) In that respect Hanoi's war is not different from any other war anybody ever fought, nor can it possibly be. For that matter, the communists have always taken particular pains to utilize nationalist sentiments as well as "concrete" circumstances. The old Viet Minh were an anti-colonialist movement dominated by the communists, but present-day Vietnamese communism is not any more nationalist than soviet or Maoist communism.

Mr. Hoopes asserted that Ho's "sacrificial legions" were driven by an "unfulfilled national purpose" and "the goal of national independence". He may well be right, although he couldn't prove it on the basis of the indoctrination those legions are given. But Mr. Hoopes ascribes this same motivation not just to the "sacrificial legions" but also to "North Vietnam" and to "Hanoi", i.e. to those elements who have been sacrificing the troops. What is worse, Mr. Hoopes does not seem to notice his sleight-of-hand by which he merges several subjects and confuses subject and object. Apparently in a deliberate way, he avoided to describe "Hanoi" as a communist dictatorship. So if we give "North Vietnam" its right name, he is saying that the leaders of the communist party in North Vietnam were, "to be sure, fully aware of the implications for the wider application of the Mao-Ho-Giap insurgency doctrine" but they were not motivated by "the dream of world conquest, nor even the notion of generating a new momentum for communist advance and triumph throughout Asia."

This is the sort of "evidence" that is presented. It is based on the elementary mistake in logic which is known as *petitio principii*. Furthermore, since Mr. Hoopes does not know what the motivations of the Hanoi communists are and does not base his interpretation on any data, his statements are unsupported assertions. Third, those assertions are in contradiction to the data he himself adduces, *viz.* the Ho-Giap "insurgency doctrine"; and I pass over the obvious nonsense that these men were "aware" of the "implication for the wider application" of their own doctrine. Fourth, Mr. Hoopes' assertion is a "red herring"—obviously the North Vietnamese communists don't dream of world conquest, nor even conquest of the whole of Asia. But the evidence shows that they claim the whole of Indochina, not merely the whole of Vietnam.

Now, the Hanoi leaders are strongly motivated communists and conscious international communists, even though they *also* are nationalists. They are the field commanders in their sector of the global front. They will carry their aggression as far as they can or deem advisable, and that necessarily in agreement with other communist states and parties. To the extent that North Vietnam accomplishes conquests, it not only violates the basic tenets of the U.N. Charter and of the fundamental principles of American policy, but it inevitably will generate "a new momentum for communist advance

and triumph throughout Asia"—and that regardless of what the stated or secret motivations of the Hanoi politbureau are.

Hanoi's war may or may not be connected with Moscow's plans—we simply lack specific information about this point. Circumstantial evidence suggests that Hanoi's aggression in 1964 and 1965 was agreed upon with Peking. Be that as it may, North Vietnam is the explicit and recognized ally of the USSR, of Red China, and of all other communist states. There is no particular point speculating about the precise understandings between the communist capitals because data are unavailable. The visible evidence suggests *both* agreements and disagreements.

It is, however, a matter of record that North Vietnam considers itself bound to the objectives of the International Communist Movement. Those objectives have been written down in voluminous detail and clearly include the completion of the world revolution.

It is also a matter of record that North Vietnam could not continue its aggression without the large and sustained support which it is receiving from the USSR and other states ruled by communist parties.

It is possible to re-interpret this fragmentary evidence by saying that the communists don't take their objectives seriously any longer, but such a re-interpretation must be arrived at through a tenable methodology.

Personally, I am not enamored by the word "conspiracy," because the International Communist Movement is far broader and complex than any conspiratorial arrangement. However, the concept of "conspiracy" has a definite meaning which I explain in the Appendix.

If the precise meaning attached to the term were that all communist operations are ordered, commanded, and controlled by Moscow and that local communist commanders have no freedom of action, then this term would be inappropriate and not even correctly describe the situation under Stalin. But the fact is that the various members of the International Communist Movement have committed themselves to adhere to a so-called "general line" which was finalized about ten years ago and which, *despite the sino-soviet conflict*, has not been rescinded, certainly not with respect to Vietnam. The cause of North Vietnam, as well as of the communist movements in Cambodia and Laos, has been described as the "common cause" of all the "peaceful and democratic forces" by Brezhnev as late as May 19, 1970.

It flies, therefore, in the face of evidence to allege that Hanoi is fighting a purely nationalistic war. Hanoi does have national objectives but it is also a participant in the efforts of all communist states and parties which are aimed at establishing communist dictatorships all over the world, including the United States.

There has been a transformation from Stalin's "monolithic" structure via the "synchronization of watches" under Khrushchev to poly-centrism and the sino-soviet "dispute". Those facts are well known and amply documented. "The idea that American policy-makers believe in the myth of a monolithic communist conspiracy is itself a myth," wrote Professor James L. Payne. (*The American Threat, The Fear of War as an Instrument of Foreign Policy*, Chicago, Markham, 1970, p. 113.) "The notion that if one's opponents are not united, they are, for that reason, less dangerous is a gross oversimplification," he added. The competition between communist aggressors may be more dangerous than synchronization and single command.

I said that Hanoi probably agreed with Peking about its escalation in 1965. But who took the initiative? We don't know. Perhaps the initiative has always been in Hanoi's hands. In this case, possibly reluctant allies were compelled to help, precisely because the official commitment to communism entails irremovable obligations. Neither Moscow nor Peking can afford to "betray" a communist revolution, and they hardly are inclined to do so.

I testified, on March 17, 1970, at considerable length on the sino-soviet conflict and fully explained my concern that an open military clash between the two communist super-powers, far from being unlikely, is highly probable. I will not repeat this testimony here except to say that in my judgment it is in Hanoi's interest to *prevent* an open clash between China and the USSR. If this clash should occur, the strategic complexities of the Vietnam-Indochinese war would change, but it is impossible to predict the direction of such change. But if the clash is averted, the conflict could escalate. The evidence suggests that the Indochinese war has been contributing to the severity of the sino-soviet antagonism.

"A wolf pack is not monolithic; nor is it an organized conspiracy. Wolves sometimes fight each other. Yet if a lonely traveller is pursued by a pack of wolves . . . he has to worry about each one. If one cub, harmless in itself, begins nibbling at his snowshoes, the traveler had better strike back. Otherwise others, which had paced quickly in the background, will suppose that the prey is weakening and may close in." (Payne, ibid, p. 112.)

ADDITIONAL STATEMENTS OF SENATORS

FAIR PACKAGING AND LABELING ACT

Mr. PEARSON. Mr. President, a few weeks ago, I introduced a bill designed to better implement the stated purpose of the Fair Packaging and Labeling Act. My bill, S. 3752, would require those commodities within the purview of the act to be marked or be in close proximity to information listing the unit price of that product.

As a member of the Consumer Subcommittee, I introduced the bill, Mr. President, because I thought it in the public interest. Modern consumers, in my opinion, deserve an honest, straightforward statement regarding the product they have purchased. Modern consumers, in my opinion, deserve to know the best buy for their money. In these inflationary times people with growing families, elderly people with fixed incomes, indeed, people of all income groups are trying to stretch their food dollars. They should not buy the giant economy size of a particular product based on the mistaken assumption that it represents the best buy for their money. They should be able to know—not after highly complicated, time-consuming calculations which, even among well educated shoppers, is successful only about 50 percent of the time, according to studies, but after looking at the choices—what the best per unit buy really is. We already have unit pricing in meat and poultry products and in many fresh fruits and vegetable products. The consuming public deserves it in other product categories.

Mr. President, I am well aware that certain groups within the grocery industry have strongly opposed unit pricing and may continue to do so. It was my hope that all segments of the public concerned with the idea would be able to discuss it in a friendly, continuing public dialog. However, a certain segment of the grocery industry in my State suggested that I have joined the ranks of "radical eastern Senators." Rather than presenting rational arguments, their communication has largely consisted of rhetoric. Mr. President, I do not intend to have my motives misunderstood; I intend to make the record clear. Unit pricing, in my opinion, is *in the public* interest and in the best interest of the grocery industry. Unit pricing tells consumers what a product really costs. Unit pricing, in my opinion, is inevitable.

Certain grocery chains across the United States are at present experiencing with or have already implemented what my bill would require. The President of the National Association of Food Chains has publicly stated that "the idea is good" and that he might not oppose unit pricing if it could appear on a shelf rather than on each individual item. This is precisely what my bill would do.

One of the prime motivating factors in the introduction of this bill was my concern that the legitimate interests of the grocery industry be recognized and protected. For this reason, my bill contains two key provisions: First, the unit price need not appear on each separate package, but rather may appear in close proximity to it. As I have indicated, the unit price could appear on the shelf or gondola, at the end of the aisle, or even in front of the store. This was intentionally included to provide the industry the flexibility to deal with unit pricing in the most imaginative way possible and in a way in which competitive forces might interact. Second and perhaps most importantly, my bill would exempt that portion of the industry; namely, small retail outlets, which would be adversely affected by unit pricing as proposed by other more stringent bills presently before the Congress. My bill would specifically exempt small retail outlets, sometimes known as the Mom and Pop stores. Consumers shop in these kinds of stores for convenience purposes generally, rather than for value comparisons; and unit pricing could be an administrative burden for these small stores. For these reasons, I included this exemption. I intend to urge it, and if adopted, I intend to make it stick. It is my hope that the hearings on this bill will provide the Senate with proper guidance regarding the delineation of this exemption.

I would also state that I was motivated to introduce this bill because the Fair Packaging and Labeling Act simply has not worked. Despite the best intentions of two administrations, the proliferation of package sizes has not been significantly reduced. Moreover, Mr. President, I question today, as I did in 1966 when I joined with other Members of the Senate Commerce Committee in the minority report on the Fair Packaging and Labeling Act, the practicability of trying to reduce the number of different package sizes. If a small manufacturer wants to market his product in an odd sized package and try to obtain an additional 3 percent of the market there-

by, he should be able to do so, in my opinion. It would be a drab market place indeed if all packages in a particular product category were the same size. Our goal, according to the Congressional Declaration of Policy in 1966, was and is to facilitate value comparisons. Is it not more workable and sensible to facilitate value comparisons by comparing unit prices side by side, rather than by stifling creative market techniques, by forcing consumers of all income, educational, and social backgrounds to perform mental gymnastics, and by encouraging the continued deception of consumers?

Mr. President, I would state again my hope that members of the grocery industry would recognize that we are all consumers, we are all partners in the economic system, and that the free and competitive marketplace functions best when straightforwardness and fairness and quality are the guidelines. I would encourage consumers, industry, and Government to be pragmatic and constructive in their outlook. I would hope that we could work together. Unit pricing, as well as other public issues, deserves discussion in that spirit.

Mr. President, on October 30 of last year, President Nixon listed what he called the "Buyers Bill of Rights." The first of the buyers rights, he stated, is "the right to make an intelligent choice among products and service." The second right, he stated, is "the right to accurate information on which to make his free choice."

In a 1966 report of the President's Consumer Advisory Council, it was stated:

Getting information is almost as difficult for the well educated and the poor. In one recent study, college educated shoppers who were directed to select the least expensive package in 20 product categories failed 43% of the time, at an extra cost of 9.0%." (Citing M. Friedman, Rational Choice in the American Supermarket: An Empirical Study of the Effects of Marketing and Pricing Packages, Selected Proceedings of the 13th Annual Conference on Consumer Information, 1966).

More recently, an intensive study prepared for Mayor John V. Lindsay of New York by Commissioner Grant and submitted as testimony before the Senate Consumer Subcommittee indicated that through unit pricing an 11-percent expenditure of consumer food dollars could have been saved. The report further stated:

In sum, the errors made by the women in each shopping group attempting to select the best buy for their dollars, considering quality alone, amounted to between 40% and 50% of their choices and cost them about a dime on every dollar.

A special study group of the U.S. Chamber of Commerce, the Council on Trends and Perspectives, in a report on "Business and the Consumers—A Program for the Seventies," states:

In order to act rationally in making product comparisons, the consumer needs information that is not generally available on such fundamental points as unit pricing . . .

Moreover, as I indicated to the Senate when I introduced the bill, several grocery chains and individual stores are experimenting in varying degrees with unit pricing in Washington, Ohio, Illinois, California, Massachusetts, Maryland, New York, and New Hampshire, and Maine.

Mr. President, the supermarket of the future may have computerized checking, dated labeling, percentage of ingredients labeling, and other new items in marketing, warehousing, and consumer information. Perhaps it is time, then, to consider the merits of unit pricing. If so, Mr. President, let it be clear that as a member of the Consumer Subcommittee, I intend to represent fully the interests of everyone involved to the best of my ability.

Mr. President, I ask unanimous consent that certain articles on unit pricing, a recent letter from the executive director of the Kansas Food Dealers Association, my letter in reply, and a letter from Prof. Richard Morse of Kansas State University be printed in the RECORD.

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

KANSAS FOOD DEALERS' ASSOCIATION, INC.,
Arkansas City, Kans., May 18, 1970.

Hon. JAMES PEARSON,
U.S. Senator from Kansas,
Senate Office Building,
Washington, D.C.

DEAR SENATOR PEARSON: Kansas Grocers and Supermarket operators are so disappointed to learn of your endorsement and sponsoring a bill on Unit Pricing (S. 3752).

Especially since there has been no clamoring for this sort of pricing by Kansas consumers. We understand the sub-committee of which you are Chairman, has heard only the proponents.

The fact you would introduce such legislation before hearing the opponents, is procedure we might expect from some radical eastern Senators, but not our own Senator from Kansas.

Some are wondering if you have been away too long and gotten out of touch with your Kansas people. We would like to think you consider the members of the Kansas Food Dealers Association, operating over 2000 Kansas Supermarket and Convenience stores, their wives and employees, are part of your constituents.

Your statement on the Senate floor that Safeway and Kroger are using the Unit Pricing system, is certainly misleading the public and other Senators. It seems to infer the Company's endorsement. Our information from these people is they have recently started operating a few test stores to obtain for all of us, an accurate determination of the cost of implementing such a pricing policy, and to find out of the consumer really wants and would use the added price information.

Another one of your comments on the Senate floor relates to the statement your bill on Unit pricing would save the consumer 10% of her grocery bill.

Really Senator Pearson, I wouldn't have believed you made such a misleading public remark if I hadn't read it in the Congressional Record. I know you know there is not that much margin left in the food business.

If selective purchasing which Unit Pricing purportedly would provide, could save the consumer 10%, I know you know the fierce competitive situation which exists in food retailing, would have forced Unit Pricing on the food retailing industry long before now, without any Federal law or expensive bureaucratic enforcing agency.

Your bill's claimed exemption of Pop and Mom stores, is very unfair to them and their larger competitors. That was the pitch used to get Federal Wage and Hour controls started. Exempt the small store at first, now they are in.

Senator Pearson we are saving a State Board meeting in Topeka, Kansas Sunday June 7th. Our President Don Lumpkin along with Board members, have requested you be invited to attend this meeting.

Shortly after the noon luncheon, which you should attend, you will be given an opportunity to try and sell your bill and its merits to our Grocers.

We hope you can promptly write or wire us your acceptance.

Very Sincerely,

LEE E. CIRCLE,
Executive Secretary, Kansas Food Dealers Association.

WHAT'S HAPPENED TO KANSAS' SENATOR JAMES PEARSON

Senator Pearson's becoming a sponsor of compulsory federal unit pricing legislation was a surprise and most serious disappointment and shock to all connected with the Retail Food business in his home State. Regarded as a conservative, a friend of business, and opposed to unnecessary federal regulation, the Senator's sudden espousal of making unit pricing a federal requirement is bound to have serious repercussions among his home supporters.

The many letters Pearson has received from food people asking he vote against such Federal legislation, apparently has only prompted him to introduce such legislation under his own sponsorship.

Has our Kansas Senator already been in Washington so long he can only hear the militants, the paraders and the revolutionaries? Or, is he attempting to ride an illusionary Consumerism Bandwagon? His statement that Unit Pricing would save consumers 10% would indicate his reckless disregard for the facts relating to National implementation of compulsory Unit Pricing.

In 1966, Senator Pearson voted against legislation which was the forerunner of the present packaging law. He joined in a minority committee report opposing giving the federal government power to fix the size and weight of consumer packaged products. Then, he held that this power "confers on Federal Officials dangerous and arbitrary control over trade in the marketplace."

Now almost four years later, the Senator believes, according to his statement in introducing the unit pricing bill, that proliferation of package sizes confuses consumers trying to select the best buy. He finds that reducing proliferation in package sizes through voluntary agreement of manufacturers is not only "contrary to open and innovative marketing, but plainly unworkable." Therefore, in his opinion one way to assist consumers get the best value is to require unit pricing, a simple and direct manner of accomplishing the goal. So in place of either compulsory or voluntary regulation of package sizes and weights, Senator Pearson would impose mandatory unit retail pricing on all consumer packaged commodities.

The interesting fact about the Senator's views on unit pricing is that the Sub-committee on which he sits has not yet heard from industry representatives on the question. It has listened to views from consumer groups and government witnesses, but grocers, manufacturers and other sellers have not been given a chance to be heard.

It is also apparent that food distributors in Kansas must make an even greater effort to inform the Senator concerning the impractical effects connected with compulsory unit pricing. This may well turn out to be a costly mistake for our Kansas Senator if his bill should pass and raise prices instead of saving the consumers 10%.

Senator Pearson's bill requiring unit retail prices certainly gives the proposal a new lustre of reasonableness materially improving its chances of eventual approval by Congress.

Introduction of the bill by Senator Pearson, Republican of Kansas calling for mandatory federal unit pricing by retailers is a major breakthrough for its supporters. Senator Pearson is the ranking Republican member of the Senate Commerce Consumer Subcommittee holding hearings on unit pricing legislation. His bill S. 3752—would require retailers to disclose for each packaged consumer commodity its full price and price per unit of weight, volume, or measure.

SMALL STORE EXEMPTION?

In a statement on the Senate floor accompanying introduction of the bill, the Senator said his bill would exempt "mom and pop stores." However, actually the bill gives to the Federal Food and Drug Administration and the Federal Trade Commission broad discretionary authority to exempt those retailers who, because of a few employees or other factors, the agency finds would be seriously burdened by the proposed law. How far this exemption would apply, to whom, and for how long is a matter of speculation.

EXPANDED COVERAGE—REGULATION OF COUPONS INCLUDED

Senator Pearson also proposes that unit pricing and the federal packaging law apply to a greater number of durable products bought by consumers. He would have the law cover household durable goods consumed in less than a year. Newly covered articles subject to unit pricing would include such articles as brooms and mops, diaries and calendars, flower seeds, and greeting cards. All of these articles are now exempt under the federal packaging law.

Another expansion of federal regulation proposed by the Senator applies to trading coupons. Under S. 3752, the Food and Drug Administration and the Federal Trade Commission are allowed to regulate use of such coupons and other promotional devices stating or implying that a product is offered at a price lower than is regularly charged. Neighborhood flyers and instore promotional material using such terms as "reduced price" would also be subject to federal regulation.

TEN PERCENT SAVINGS FOR CONSUMERS

In a statement on the Senate floor accompanying introduction of his bill, Senator Pearson held that with unit pricing, consumers could save up to 10% of their annual food budget. With annual expenditures of $120 billion, this could if true mean consumers saving $12 billion each year. He held that "unit pricing is both timely and suitable," and pointed to a Chamber of Commerce of the United States report favoring unit pricing.

U.S. SENATE,
Washington, D.C., June 3, 1970.

Mr. LEE E. CIRCLE,
Executive Secretary, Kansas Food Dealers Association, Arkansas City, Kans.

DEAR MR. CIRCLE: Thank you for your recent letter and invitation to your Board meeting in Topeka. I have a prior commitment to commission the USS *Kansas City* this weekend in Boston and, therefore, I must decline. I would, however, like to explain to you some of the reasons why I introduced a bill to provide for unit pricing.

On October 30th of last year, President Nixon in his Consumer Address listed what he called the "Buyers Bill of Rights." The first of the buyers rights, he stated, is "the right to make an intelligent choice among products and service." The second right, he stated, is "the right to accurate information on which to make his free choice."

In agreement with the President's statement, my interest in unit pricing is the result of several overnight hearings concerning the Fair Packaging and Labeling Act, often called the "Truth in Packaging" Act which the Senate Consumer Subcommittee conducted during the four years since its enactment. These hearings have been held for the express purpose of assessing the progress of the Fair Packaging and Labeling Act and its implementation, rather than for considering the merits of unit pricing. However, should hearings be held on my bill or any other proposed unit pricing legislation, you may be sure that the views of all interested persons, including your Association, will be fully heard.

During recent hearings, we heard testimony from representatives of the government agencies charged with enforcing this Act and from members of the general public. Considerable interest was evidenced for the idea of unit pricing as a means of better implementing the stated purpose of the Act, namely to "facilitate value comparisons." Members of the Nixon Administration, including Mrs. Knauer, Special Assistant to the President for Consumer Affairs; Mr. Edwards, Commissioner of the Food and Drug Administration; and Mr. Davis, Assistant Secretary of Commerce, expressed their interest in the concept.

Consumer representatives criticized the approach and the implementation of the Fair Packaging and Labeling Act and strongly endorsed unit pricing. Mrs. Bess Myerson Grant indicated that, based on her study, consumers were able to make the best buy for their money under test conditions only about 50% of the time. Mrs. Helen Nelson, Associate Director, Center for Consumer Affairs, University of Wisconsin, testified that, based on her studies in Sacramento, consumers were now no more able to make the best buy for their money than they were before the Act was passed.

Perhaps you misunderstood my statement that consumers might save as much as 10% on their grocery bill. But, regarding the estimated savings that consumers may obtain through unit pricing, a 1966 Report of the President's Consumer Advisory Council stated:

"Getting information is almost as difficult for the well educated and the poor. In one recent study, college educated shoppers who were directed to select the least expensive package in 20 product categories failed 43% of the time, *at an extra cost of 9.0%*" (Citing M. Friedman, *Rational Choice in the American Supermarket. An Empirical Study of the Effects of Marketing and Pricing Packages,* Selected Proceedings of the 13th Annual Conference on Consumer information, 1966).

More recently, an intensive study prepared for Mayor John V. Lindsay of New York by Commissioner Grant and submitted as testimony before the Senate Consumer Subcommittee indicated that through unit pricing an *11% expenditure of consumer food dollars could have been saved.* The report further stated:

"In sum, the errors made by women in each shopping group attempting to select the best buy for their dollars, considering quantity alone, amounted to between 40% and 50% of their choices and cost them about a dime on every dollar."

Further, unit pricing appears to be a more preferable way of facilitating value comparisons than by restricting the number of package sizes. This second approach could stifle imaginative marketing techniques whereby a manufacturer with an odd size or shaped package might be able to obtain an increased share of the market. Secondly, it could penalize the smaller manufacturers who must use stock or standard sized containers. For example, a large manufacturer may enjoy 85% of the market by utilizing a nonstandard sized package. In that case, if we tried to restrict the various package sizes, the small manufacturer who was using stock containers might be forced to utilize the more expensive, nonstandard packages. Moreover, if our aim is to facilitate value comparisons as stated by the Congress, then would it not be more reasonable to compare prices directly—by means of unit pricing—than indirectly through standardization of package sizes which would stifle imaginative marketing and perhaps encourage monopolization of product categories.

In addition, Mr. Circle, it appears that unit pricing is inevitable. Mr. Davis of the Commerce Department testified before our Committee on March 23: "looking to the future, we believe that some of the major chains will, on their own, incorporate unit pricing into new marketing systems. Such systems will improve their own stocking and reordering procedures as well as help the shopper. Other stores may find that unit pricing is a customer service which offers a competitive advantage." As Mrs. Knauer testified that same day, "we believe unit pricing is feasible and desirable and will indeed aid the consumer, but we agree that prudence should be exercised and, as such, we will await the Department of Commerce's conclusions before formally presenting our recommendation." A special study group of the U.S. Chamber of Commerce, the Council on Trends and Perspectives, in a report on *Business and the Consumers—A Program for the Seventies* states:

"In order to act rationally in making product comparisons, the consumer needs information that is not generally available on such fundamental points as unit pricing . . . "

Moreover, as I indicated on the Senate floor when I introduced this bill, several grocery chains and individual stores are experimenting in varying degrees with unit pricing in Washington, Ohio, Illinois, California, Massachusetts, Maryland, New York, New Hampshire and Maine. And in the Congress several bills have been introduced on unit pricing by Senator Nelson, Congressman Rosenthal and others.

Given this developing situation, I introduced a bill which I thought would be a reasonable one; one which, indeed, may be an Administration alternative. Recognizing the increasing interest in the public and in the Congress for unit pricing, I intended to respond to this interest while recognizing the legitimate concerns of industry. If there is to be a bill, then it should be a reasonable one.

Accordingly, my bill contained language which would exempt small retail outlets, such as your Association represents. This was done in recognition of the administrative burdens which the small retail outlets, sometimes known as the "Mom and Pop" stores where shopping is generally for convenience rather than for savings, might face if required to unit price their goods. The bill directs the promulgating authority to determine the criteria for this exemption, on the basis of the number of employees or gross sales (a figure as high as $50 million has been suggested) or other appropriate criteria.

Secondly, my bill would not require dual pricing, that is listing both the retail price and the unit price on each particular item. Instead, the unit price could be displayed either on the package or *in close proximity* to the package. For example, the unit price could appear on the shelf, gondola, at the end of the aisle, or even in the front of the store. This was done to allow full opportunity for the forces of competition and imagination in this area so that retailers may develop their own way of handling unit pricing.

I recognize that no industry wants to be regulated. My sincere hope is that unit pricing will develop voluntarily through open competition. Also, I recognize that a new manner of pricing may initially cost money. However, an owner of a medium-sized grocery

chain in the Midwest stopped by my office recently to indicate that he was going to adopt unit pricing in his twenty retail outlets next June; and based on his study and on a hard business judgment, he would save approximately $18,000 per year. Now, his situation may be unique because of warehousing, marketing, computer utilization or other factors. However, we may find that unit pricing will not cause enormous administrative expenses and will, because of consumer demand, indeed pay for itself.

Moreover, as ranking Republican on the Consumer Subcommittee, my intention is limited to facilitating value comparisons. Unit pricing—which is already applicable to meat, poultry, and a few other items—appears to be not an unreasonable concept, in my opinion. It would require, after all, only that one be told how much of a product his money is buying. While I am not an expert on the grocery industry, the future may well include computerized checking, dated labeling, percentage of ingredients labeling, and other new ideas in marketing, warehousing and consumer information. Perhaps it's time, then, to consider the merits of unit pricing. If so, I intend to fully represent the interest of everyone involved, including your Association. And again, Mr. Circle, your group would be exempt by the provisions of my bill.

Finally, Mr. Circle, the comparison is drawn to radical eastern Senators. The introduction of my bill, however, was not prompted by the vagaries of regionalism or sectionalism. Furthermore, I would hope that a continuing public dialogue could develop—a free interchange of reasonable and forceful arguments dealing with unit pricing on its merits.

There is always the possibility, as you indicate, that a Senator will lose touch with those he represents. However, I have been home 15 times already this year meeting with hundreds of Kansans. In addition, enclosed you will find an editorial by the Wichita Eagle which indicates, perhaps, that I may, in fact, be in close touch with my State.

While no hearings or other Congressional action is expected in the immediate future or any unit pricing legislation, I would nevertheless, appreciate your views. Moreover, if you could furnish me with a copy of your position on this subject, I would certainly consider it in detail and make it a part of the hearings record. However, because the views of Congress sometimes become distorted, unintentionally or otherwise, I intend to make my position clear on this bill. Accordingly, I will be speaking out on the matter from time to time.

Finally, thank you again for your kind invitation and letter. I regret that I cannot attend your meeting. I hope we will remain in communication on this matter.

Best regards.

Very truly yours,

JAMES B. PEARSON,
U.S. Senator.

KANSAS STATE UNIVERSITY,
Manhattan, Kans., June 16, 1970.

Senator JAMES B. PEARSON,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PEARSON: Enclosed is a copy of an article from this morning's Kansas City Times about your support of unit pricing. I congratulate you for your attention to this issue.

The article quotes Mr. Lee Circle, with whom I have discussed this issue many times, as stating that "there is no clamoring for this sort of pricing by Kansas consumers".

Mr. Circle and his association may never have asked the Kansas consumers if they want unit pricing. This department and the Kansas Home Economics Association (K.H.E.A.) have asked Kansas consumers about unit pricing. The K.H.E.A., for example, has sold 10,000 "Budget Gadgets" (one enclosed). It should be noted that the Kansas Food Dealer's Association has recognized unit pricing to the extent that the association is distributing the very same "Budget Gadget". Also, several stores in Manhattan have placed the association's "Budget Gadgets" on display with a large sign inviting consumers to check unit prices with other stores.

This department, together with other groups in Kansas, conducted a 20-point Consumer Quiz from November, 1969 to January, 1970 (see enclosure). Included in this quiz was a question about unit pricing. As shown, 93% of the 1003 Kansans responding approved of unit pricing.

This same 20-point quiz was sent to the members of the Kansas Legislature. The legislators were asked to rank the 20 points in order of importance, and of those responding 56% ranked unit pricing in the top ten.

Therefore, Mr. Circle is incorrect when he implies that Kansas does not want unit pricing. Keep up the good work.

Sincerely yours,

RICHARD L. D. MORSE,
Professor and Head.

[From the Wichita Eagle and the Beacon, Apr. 26, 1970]

HELPING THE BUYER

Sen. James P. Pearson, R-Kan., has introduced a bill to aid consumers in selection of retail commodities by requiring that the unit price of each item be shown.

Pearson said in a Senate speech that his bill would reduce confusion in the market place and could result in an estimated savings of 10 per cent in the nation's $120-billion annual food budget.

Anyone who has tried to compare the price of a six-ounce jar with a 2-pound jar of peanut butter will appreciate Pearson's effort.

It is the practice in most supermarkets to list only the total price of items on their shelves. You are left with mental arithmetic to figure out the amount per pound or ounce, pint or quart.

His bill would provide for the direct comparisons that would make shopping easier. It is in the best interests of the consumer.

[From the Kansas City Times, June 15, 1970]

PEARSON IN FAVOR OF UNIT-PRICE LAW

(By Joe Lastelic)

WASHINGTON.—Sen. James B. Pearson (R-Kans.) has been doing some shopping in the supermarket lately and he is convinced more than ever that unit pricing is needed so that the purchaser can select the best buy.

So Pearson introduced a bill that would require a label, chart or sign listing the price per pound, pint or other unit of measure of a particular item. After listening to witnesses in recent Senate hearings talk about the fair packaging and labeling act and some of its deficiencies, Pearson concluded unit pricing would provide the best means of making value comparisons.

A housewife could save money in a store that used unit pricing, Pearson felt. For instance, a small can of apple sauce might be marked 19 cents a pound under the unit pricing system, while the larger economy size actually costs 21 cents a pound. The smart housewife would buy several of the smaller cans and save some money.

When the Kansas Food Dealers association read about Pearson's bill, the executive secretary, Lee E. Circle of Arkansas City, Kans., wrote Pearson a letter of protest. It accused the senator of hearing only the proponents for unit pricing, said he was out of touch with Kansas people, that his action was that of the "radical Eastern senators" and noted there has been "no clamoring for this sort of pricing by Kansas consumers."

"I know I am right on this," Pearson said, "and I am going to put my head down and go forward."

Pearson replied to Circle with a 5-page letter in which he made these points:

President Nixon has said among a buyer's rights is the right to accurate information on which to make an intelligent and free choice among the products and services he desires.

Mrs. Virginia Knauer, special assistant to the President for consumer affairs, and others in the administration, in the Commerce department and Federal Trade commission favor unit pricing.

Studies show that even college educated shoppers make the wrong buy, that is, select the most expensive package almost half of the time. A New York study showed that through unit pricing housewives could save a dime on every dollar they spend in a grocery store.

"I recognize that no industry wants to be regulated," Pearson wrote in his letter. "My sincere hope is that unit pricing will develop voluntarily through open competition."

Pearson pointed out that the owner of a medium-sized grocery chain told him he was going to adopt unit pricing and, based on his study and hard business judgment, he would save $18,000 a year with the benefit of computerized marking.

Experiments with unit pricing by major chains are under way in nine states and one firm, Benner Tea company, which has 22 stores in Missouri, Iowa and Illinois, has a full scale unit pricing system in all of its stores, utilizing labels turned out by a computer telling the housewife at a glance what brand and size of a product is the most economical.

Pearson's bill would exempt the small "mom and pop" stores because of the administrative burden unit pricing would cause. But he noted that such stores are used generally for their convenience rather than savings.

[From the Kansas City Times, June 4, 1970]

MIDWEST SUPERMARKET CHAIN SETS UP UNIT-PRICING SYSTEM

WASHINGTON.—A chain of supermarkets in the Middle West, hoping to increase profits by helping customers choose the best buys, has set up the nation's first full-scale unit-pricing system.

Unit-pricing is the listing of the price per pound, pint or other unit of measure.

VALUE AT A GLANCE

The system at the Benner Tea company's 22 stores in Iowa, Illinois and Missouri is designed to tell shoppers at a glance what brand and size of a product is most economical.

The proliferation of different sizes and prices of packages on supermarket shelves makes it impractical and often impossible for housewives to compare price values. Advocates of unit pricing regard it as a money-saving device for consumers burdened by increasingly high food costs.

In establishing unit pricing the Benner chain's motive is not merely to "strike a blow for the consumer" but also to make more money, according to Charles C. Fitzmorris, Jr., Burlington, Ia., the company's president and principal stockholder.

Fitzmorris was interviewed recently while in Washington to get a statement endorsing his project from Mrs. Virginia H. Knauer, President Nixon's special assistant for consumer affairs.

"It's not altrustic on my part," he said. "I expect to profit by it. The housewife will get more information in my stores and therefore she'll come back and shop with me. If I'm right this will increase my sales 10 percent."

MRS. KNAUER APPROVES

Mrs. Knauer gave him a statement favoring unit pricing by food chains as a means of providing needed information to the consumer "to fight inflation and to obtain the most for her shopping dollar."

The unit prices of all 4,000 items sold in Benner stores are calculated by a computer. The computer also prints the labels to be posted on shelves, giving the unit price of each item, the package price and the content by weight, volume or other measure.

The National Association of Food Chains has opposed voluntary unit pricing and is vigorously protesting pending federal legislation and a proposed New York regulation for compulsory unit pricing. The association contends that the cost of unit pricing systems would be prohibitive.

Fitzmorris concedes that it could be a hardship to small stores because, in his view, the use of a computer is essential. But he said he believed that the cost for large stores and chains would be more than offset by increased profits. He estimated that it was costing his company about $200 a store to install the system.

"We're going into it whole hog," he remarked. "Other chains will have to follow our example if they want to compete. This is the most revolutionary thing for the grocery business since food stamps."

NEW, MORE FLEXIBLE, UNIT PRICING BILL

Legislation introduced by Senator James B. Pearson (R.-Kans.) to amend the Fair Packaging and Labeling Act would make provision for unit pricing without the restrictive definition of exactly how it should be carried out in other bills to which industry has raised strong objection. The legislation would also exempt small "mom and pop" stores from unit pricing.

Clarence Adamy, President of the National Association of Food Chains, who has supported the premise on which unit pricing is based, giving the consumer means of making a better value comparison, told OF CONSUMING INTEREST that the Pearson bill's flexibility is a "move in the right direction." Although Adamy agrees that small stores must be exempt, he is also conscious that an unfortunately large number of poor people shop these stores, and that the benefits of unit pricing will not be available for them.

Possibly, Adamy says, the best solution would be for the Congress to pass a memorial resolution saying to the industry "we want you to do this, and we don't care how you accomplish it." The need for flexibility which the Pearson legislation has moved toward, would best be served and the industry could continue its efforts, which range from price marking on every item to one big sign for the whole store. In this way, Adamy says, the industry could arrive at the least expensive method of getting the job done, as well as the one customers are best able and most apt to use.

The Pearson bill includes some other interesting updating of the Fair Packaging and Labeling Act. It provides that no commodity shall bear any "label, depiction, vignette, or other representation which purports to identify the product or its quality in a manner that does not accurately disclose its identity or quality of the product." This would seem to be a response to the critics who charge that the present Act does not cover convenience foods adequately.

The proposed legislation also provides that coupons be included in the section of the bill which covers "cents-off" promotions. It also would strike down the FTC decision to exclude a number of commodities from FPLA coverage by making clear that the commodities covered are those used "in and around the household, but shall not include durable goods which are customarily not expended or consumed during the first year of use."

[From Newsweek, June 15, 1970]

RETAILING THE PRICE OF EVERYTHING

Bright orange Day-Glo letters shimmering on the facade of the Giant Supermarket in Burlington, Iowa, announced the innovation: "Home of the Tru-Price." And inside, Mrs. Marie Schwartz stood beside the dessert racks and demonstrated what it meant. "I was looking at the Jell-O and the Royal here," she said. "I have a coupon for 7 cents off Jello-O—for four small or two large, But I see that the Jell-O sells for 4 cents an ounce while the Royal sells for 3 cents an ounce, and I'm thinking that for four 3-ounce packages, it doesn't even pay to use the coupon."

Right on, Mrs. Schwartz. But the intricate calculation would have been even more difficult if a special sign on the supermarket shelf had not told her the price per ounce of each competing product. This unit pricing system has long been pushed by such consumer advocates as Bess Myerson Grant, the one-time Miss America who is now New York City's Commissioner of Consumer Affairs, and Virginia H. Knauer, President Nixon's Special Assistant for Consumer Affairs, and Virginia H. Knauer, President Nixon's Special Assistant for Consumer Affairs. And the Giant store in Burlington was one of 23 Benner Tea Co. stores in Iowa, Illinois and Missouri that last week became the first chain in the nation to install unit pricing across the range of its entire inventory. "This information," Mrs. Knauer told customers on huge posters inside the stores, "is what the consumer needs to fight inflation and to obtain the most for her shopping dollar."

TALK

"Unit pricing," said another Administration specialist, "has suddenly moved beyond the talk stage." Sure enough, dual pricing systems are getting partial tryouts in some of the biggest supermarket chains, including Jewel Foods Stores (on 1,000 items in all 258 Chicago area stores), Kroger (6,000 items in six stores in the Toledo area), Grand Union and Daitch Crystal Dairies in New York, First National Stores and Stop & Shop in Boston, and Safeway Stores, Inc., in Washington, D.C.

This interest in unit pricing came only after tough opposition. The National Association of Food Chains vigorously protested both a Congressional bill and a proposed New York City regulation on compulsory unit pricing. Clarence G. Adamy, NAFC president, estimated that unit pricing would cost the chains $300 million nationwide if every box or can were marked. Still, Adamy conceded that "the idea is good" and said the NAFC wouldn't oppose unit pricing if it were voluntary and only the shelving below individual items had to be marked. Then, he said, "unit pricing changes to something quite minimal" in cost.

The first "volunteer" to install unit pricing across the board turned out to be Charles C. Fitzmorris Jr., president and principal stockholder in the Benner chain, and he says he did it because "I intend to make money." And that, in turn, is possible, he says, because "I'm a computer nut . . . It would be impossible to offer such a program without a computer. There are just too many different prices on too many different-size cans, cartons and packages for any chain to figure the price by hand." The IBM 360/Model 25 that Benner leases prints out shelf labels that tell housewives the unit price (e.g., 4 cents an ounce), name of the product, total content and total cost. Fitzmorris says he will spend $150,000 this year on programing computers, but only a part of his data processing is for dual pricing. Labor and labels used in the conversion cost only $200 per store.

Skeptics still abound. Adamy, for one, wonders: "Do people really buy by price? Remember, the only thing we are giving here is knowledge about price—nothing about quality and taste preference." Doris Stoneking of Oquawka, Ill., wife of a glazier and mother of four, answered for many when she said, "I spend $50 a week on food and we eat like it's the Depression. If I can get a savings on a different size, I'll buy it."

CARE

On the face of it, Mrs. Stoneking seems to be in the minority; even in stores with unit pricing, few shoppers seem to care. Indeed, experiments at Jewel and Safeway stores proved popular with affluent shoppers in suburbia but roused less response among poorly educated customers in low-income areas.

The answer to this, backers of unit pricing insist, is education and advertising. "It needs advertising to make it work, and it needs to have every item in the store done," says Fitzmorris. His own advertising drive included ten-second teasers twenty times each day on eight radio stations to make shoppers curious enough to want an explanation ("Learn the truth about prices at your neighborhood Giant store! The truth will astound you—or, at least, surprise you"). Agree Bess Myerson Grant: "When retailers put a new product on the shelves, hundreds of dollars are spent. When they institute a new process to make pricing comparisons easier, they also have to educate the consumer."

UNIT PRICING VIEWED AS MAIN CONSUMER TOOL

Is money a factor in the way you shop in the grocery store?

If so—and to most everybody, money should figure somewhere into shopping plans—unit pricing might help you solve the maze in the market.

With unit pricing, the shopper would be supplied with the price in terms of ounces or pounds for purposes of each price comparison.

In other words, you would be able to instantly know which is cheaper: the 24-ounce jar of sandwich spread for 53 cents or the 16-ounce jar for 38 cents. Neither would you need a master's degree in mathematics nor a business calculator: the lower price would be immediately apparent.

Unit price is no cure-all.

There would still be many decisions: whether to buy the creamy peanut butter or the "peanuttiest" peanut butter; whether to buy bran flakes or bran flakes with raisins added; whether to buy the higher-priced soda pop in small bottles that will conveniently fit in your refrigerator or to buy the low-priced, big bottle that won't fit.

But, unit pricing will give you the best price on a product. And, unit pricing may be on its way into our lives: Safeway Stores Inc. in the Washington, D.C. area has experimented with unit pricing and could be moving toward unit pricing on a national basis; if so, other chain stores might well follow suit.

Bess Myerson Grant—still known widely for her beauty but even more recognized today as Commissioner of the Department of Consumer Affairs for New York City—is trying valiantly to institute unit pricing in New York grocery stores. She's been slowed down by challenges from such organizations as the Retail Merchants Association, who took the regulation to court.

And, strange things do happen: in Durham, N.H. (estimated population 4,600) efforts to have unit pricing established by law failed by a 135-to-259 vote of the townpeople in March according to Consumers Union.

Despite the setbacks and/or slowdowns, Of Consuming Interest—a twice monthly publication that keeps ahead on consumer affairs—says that unit pricing is "one of the liveliest of consumer issues." They go on to quote Virginia Knauer, presidential assistant on consumer affairs, as saying that unit pricing is the "wave of the future."

Of interest to CWA consumers are reports from hostesses who assisted in the Safeway experiment conducted late in 1969 and early this year, primarily in Washington, D.C.

Two approaches were made by Safeway: in one store, shelf markers and signs gave the price per ounce on a number of foods; in the other, computer wheels were attached to shopping baskets so that shoppers could make their own calculations.

One hostess, after six weeks in the store where the computer wheel was being used, had these comments: "By now the people are few and far between who have not been briefed about the computer . . . The novelty . . . has worn off and the customers are now asking . . . where to find . . . various articles, how the hostess job was secured, and how long the job will last. Some do, but . . . many do not, see that they would save money by using the computer . . . many see its value but are too lazy or in too big a hurry to use it . . . many fail to understand how it is used."

On the other hand, a hostess in a store where unit prices were displayed on the shelf found that the group most interested was college-age. Another said that men were surprisingly interested. "Generally speaking," one hostess said, "interest in our project is at its lowest ebb during the first few days of the month . . . (The first of the month) is a time when shopping is speedily done and any interference on the part of the hostess is in most cases completely rejected. As household money becomes less, the shopper is more prone to avail himself of the time to use unit pricing. By the end of the month, even assistance is asked in simple arithmetical processes in an effort to save a few pennies."

No less an authority than Malcolm W. Jensen, acting deputy director of the Institute for Applied Technology, U.S. Department of Commerce, says that "During the 1970's, it seems very clear that consumers will press for more factual product information on which to base a value comparison." He adds: "One possibility is that the unit pricing concept will begin to spread through the retail grocery and drug industry on a purely competitive basis."

Whether unit pricing comes via regulation or voluntarism, the shopper who must watch her dollars will benefit. She will be able to make a shopping choice strictly on a price basis.

BETTY FURNESS DEALS WITH THE CONSUMER PROBLEMS THAT BOTHER YOU THE MOST

Our mail turned up increasing interest in per-unit pricing of food.

DEAR MISS FURNESS: Far too many things in the supermarket are not singly priced. We have to divide and divide until our heads swim. For example: Lettuce is 6 heads for $1. Maybe we don't need or can't afford 6. We find catsup at 3 bottles for 89¢, grapefruit 8 pounds for 69¢, etc. Why can't stores price most things by the unit, and we would still have enough arithmetic in deciding whether the large or small size was a better buy. This may sound like a petty thing, but I do not feel it is.

MRS. R. PINCKARD.
PORTLAND, OREG.

DEAR MRS. PINCKARD: It isn't a petty thing at all! Some retailers now are featuring per-unit pricing—but they are still rare and need to be encouraged.

Along with PER-unit pricing, I'm in favor of unit pricing. Then we'd know not only what the whole can costs, but its CONTENTS cost per ounce, or pound, or foot, or what have you. We would know that if you buy cornflakes in a local supermarket in the 13-ounce size, the price is 54 cents a pound, while if you buy it in the 8 individual servings, the cost is $1.31 a pound. Now, there may be people willing to pay 77 cents extra for those convenient packages, and that's fine, as long as they know what they're doing.

Everyone seems to want more information than we're getting. It's easy to find out what's right about a product, but hard to find out what is not—at least until it's too late.

THE MILITARY BUDGET AND NATIONAL PRIORITIES

Mr. KENNEDY. Mr. President, last March the Senator from Wisconsin (Mr. NELSON) joined with other Members of the House and the Senate in the sponsorship of a "Congressional Conference on the Military Budget and National Priorities." The conference presented 2 days of wide-ranging discussion, dialog, and deliberation on the specific subjects of ending our Vietnam involvement, controlling our expensive and expansive military budgets, and providing adequate scrutiny and management of weapon systems development and deployment.

In a larger context, however, the conference explored the implications of the militarization of American foreign and domestic policies, and the need to redefine our national purpose and priorities. In particular, there was a focus upon the capability of Congress and other segments of national leadership to be institutionally responsive to the pressing needs and challenges of the United States.

It is now the summer of 1970, and these issues and questions have not abated or been answered, the national tensions have increased, the domestic requirements have become more urgent, and more and more of our citizens, both young and old, question the vitality of our political institutions and processes as a means for national reform and change. In this present atmosphere, the statement in the conference by Senator NELSON is especially relevant and appropriate. He called specific attention to the special role of youth in helping to bring about institutional reform and therefore reasoned control of our national activities and purposes.

I ask unanimous consent that Senator NELSON'S statement, entitled "Why Youth Raises Hell," published in the June 1969 issue of the Progressive magazine, be printed in the RECORD.

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

WHY YOUTH RAISES HELL

(By Senator GAYLORD NELSON)

We have been talking about how difficult it would be to change directions, to bring under control the so-called military-industrial complex; how difficult it is to find out what the military is doing, and to get the Congress to do this and that. But we have ignored one significant factor: the youth of America, black and white.

The fact is that we will bring the military-industrial complex under control, or we will get a President and a Congress who will. And the delay will not continue beyond the time when this generation starts voting and taking active leadership in the politics of this country—that is, the next six, eight, ten years. Members of Congress who are not prepared to undertake to do the job will not be back. And it's starting right now.

We are reacting badly, as a country, to the youth of America. We run around asking, "What's wrong with the kids?" It isn't what's wrong with the kids; it's what's wrong with the country. They are reflecting what is wrong with the country, and what is wrong with the world in every country—Yugoslavia, Czechoslovakia, France, Italy, America, Southeast Asia.

The older folks say, "We can't understand the kids," but the kids understand their parents only too well. The kids understand the system, and they don't like the system. They have good reason for not liking the system. They are sick and tired of being involved in a war in Vietnam for which we haven't yet figured out a purpose.

I remember hearing Dean Rusk say, time after time, "We have to contain China." There isn't a single Chinese soldier in Vietnam yet. Every time we gave a speech on that subject in the Senate, McGeorge Bundy would come over to counsel us "dissidents" and furnish another reason for the war.

We cannot find a reason any more for being in Vietnam, and neither can the kids. They aren't going to kill people and get killed for no cause at all.

So in a handful of years we will manage the military industrial complex, I think, all right enough. As the young people look at our institutions and the institutions of every other country, they see what we are doing in terms of killing each other. They see we are expending vast sums in military enterprises that do not solve problems but create them. They see we are devastating the environment in which we live, polluting the air, contaminating the water, killing the animals and birds, denuding the forests, destroying the beauty of the world. They see all this and that it is all done in the name of "progress." You could substitute the word "profit" and you would be more accurate.

The institutions we have created are destroying the livability of the whole world; and the young people know it. They may not articulate it well, but they sense it. They feel it.

I speak on campuses all the time. The first issue raised by the students in the past few years has been Vietnam, because that is immediate and reflects their rejection of the militarization of this country and other countries. But the second issue often raised is, "What are we doing to the livability of the world? What are we doing to the air? What are we doing to the water of the country? What are we doing to the beauty of the nation?"

So they are looking at what we are doing, and they are rejecting the institutions that are doing it. Thank heavens they are rejecting them.

But we say what they are doing on the campus is not related to what we are talking about. The only thing they can do on the campus is what is within their jurisdiction to do. So they raise hell with whatever part of the institution they can, because that is where they are, and that is where that institution is. The sooner we understand that, the better off we will be.

I am much more optimistic than some of the rest here that the problems will come under control as soon as we throw everybody out of office who is not interested in bringing them under control. And that will happen pretty soon, and the sooner the better.

BATTLEFIELD DEATH OF LT. GRADY E. McBRIDE II, GADSDEN, ALA.—VALUES WORTH FIGHTING FOR

Mr. ALLEN, Mr. President, perhaps coincidence was more instrumental than intent in having Memorial Day, Flag Day, and the Fourth of July fall within a 5-week span. But, for whatever reason,

I take a great personal pride during this period in expressing my continuing support of my country, the United States of America.

The American flag receives a deep and abiding respect in my native State of Alabama. Rarely has this proud banner been defiled, desecrated, or belittled there, and the people of my State would never stand by and see the Stars and Stripes replaced by demonstrators waving a North Vietnamese banner or the hammer and sickle of communism.

Defending flag and country through the years has taken blood, tears, and sacrifice of life and limb on the part of our people.

Mr. President, today it is with sadness that I bring to the attention of the Senate an Army announcement of the battlefield death of Lt. Grady E. McBride II, a young native of my home town of Gadsden, Ala. I do this as a representative instance of the 1,000 Alabamians who have laid down their lives for their country in Vietnam.

He died recently in Southeast Asia, far, far away from his beloved hill country of Alabama where he was born and reared. But he died for a cause in which he believed—America.

The Gadsden Times, one of Alabama's fine daily newspapers, on Flag Day, Sunday, June 14, published a beautiful and moving editorial on the relationship of Lieutenant McBride's life and death and Flag Day.

Mr. President, 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:

YOUNG LIEUTENANT

"The flag was his life. He lived for it. He died for it."

While others of his generation sought means to avoid military service. Lt. Grady E. McBride II of Gadsden was fighting all the way up to the Pentagon to be allowed to wear the uniform that had always seemed to him a symbol of American valor.

A heart murmur prevented his going to West Point. After four years of ROTC at Jacksonville State University, he was rejected for the army because of a defective eardrum. This time he appealed to the Pentagon and won his case. He received his commission in 1968 and volunteered at once for duty in Vietnam.

Word of his death in action arrived last week. Details were scant.

What's important is young McBride's conviction that there will always be values worth fighting for. Preservation of freedom is one of these. He saw Vietnam, remote as it is, as the one place in the world where the ideals of the West were being defended on the battlefield. He wanted to be part of that action.

He died a hero.

And because he and so many other young Americans have given their lives to keep the Stars and Stripes a proud emblem of a free people, the nation will observe Flag Day as usual.

The flag has been belittled and desecrated by those who despise it.

But their folly becomes petty and unimportant in comparison with the patriotism and sacrifice of those who have honored it in life and in death.

Our flag will fly today as a memorial to all of these.

AMERICAN PRISONERS IN NORTH VIETNAM—RESOLUTION OF STATE OF IOWA GENERAL ASSEMBLY

Mr. MILLER. Mr. President, I ask unanimous consent to have printed in the RECORD the text of the State of Iowa house concurrent resolution 135, urging the General Assembly of the United Nations to intercede on behalf of American servicemen being held as prisoners of war by North Vietnam and the National Liberation Front.

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

IOWA HOUSE CONCURRENT RESOLUTION 135

Whereas, approximately 1,350 American servicemen, including four Iowans who are known to be prisoners in North Vietnam; and

Whereas, twenty to thirty Iowans who are reported missing and may be held as prisoners in North Vietnam; and

Whereas, the government of North Vietnam has refused to release the names of all the prisoners it holds; and

Whereas, some of these American prisoners have been held captive for as long as five years; and

Whereas, the government of North Vietnam acceeded to the Geneva Convention on June 28, 1957, the government of South Vietnam acceded to the Convention on November 14, 1953, and the government of the United States acceded to the Convention on August 2, 1955; and

Whereas, the government of the United States and the government of South Vietnam have continuously honored the requirements of the Geneva Convention; and

Whereas, no pretense of compliance has been advanced by the government of North Vietnam or the National Liberation Front despite the reminder to do so on June 11, 1965, by M. Jacques Freymond, Vice President of the International Committee of the Red Cross; and

Whereas, the provisions of the Geneva Convention require that every prisoner of war be enabled to write to his family; that every prisoner remain in communication with his family and with an international or state organization which has assumed the obligation of safeguarding the rights of the prisoner; that every prisoner has the right to receive mail and packages; that minimum humane standards of detention, hygiene, diet, recreation, and employment be complied with; that the detaining power accept a neutral party to the conflict or a respected international organization, such as the International Committee of the Red Cross, as a protecting power for the prisoners; that seriously injured or ill prisoners be repatriated as soon as they are able to travel; and that the detaining power provide the names of the prisoners it holds to families as well as to the protecting power, or the Red Cross, to pass on to their country of origin; now therefore,

Be it resolved by the House, the Senate concurring, That the General Assembly of the State of Iowa urges the General Assembly of the United Nations to intercede on behalf of the American servicemen being held as prisoners of war by North Vietnam and the National Liberation Front by insuring that the tenets of fair and humane treatment, as expressed in the Geneva Convention of 1949, are complied with by North Vietnam and the National Liberation Front.

Be it further resolved, That copies of this Resolution be transmitted to the Secretary General of the United Nations, to each of the 124 delegates to the United Nations representing the 124 member nations, the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the Chairman of the House Foreign Affairs Committee, the Chairman of the Senate Foreign Relations Committee, and to each member of the Congress from the State of Iowa.

We, William H. Harbor, Speaker of the House of Iowa, and Roger W. Jepsen, President of the Senate, hereby certify that the above and foregoing Resolution was adopted by the House of Representatives and the Senate of the Sixty-third General Assembly, Second Session.

HOUSTON CHRONICLE SUPPORTS 100,000 ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, on Sunday, June 14, 1970, the Houston Chronicle editorially endorsed my proposal to establish a 100,000 acre Big Thicket National Park. This strong supportive position was taken just 2 days after hearings on my proposal were held in Beaumont, Tex. These hearings, conducted by the distinguished senior Senator from Nevada (Mr. BIBLE), chairman of the Subcommittee on Parks and Recreation of the Senate Committee on Interior and Insular Affairs, were extremely informative and helpful. All witnesses agreed that the Big Thicket should be preserved. The great majority of witnesses testified in favor of the 100,000 acre proposal.

The Houston Chronicle is to be commended for its continuing interest in preserving the unique and beautiful areas of Texas for the enjoyment, education, and inspiration of all our citizens. The Chronicle was an early and strong supporter of my successful efforts to establish the Padre Island National Seashore. The Chronicle has often brought attention to the unique beauty and value of the Big Thicket. Their concern for conservation and preservation of these great natural areas is admirable.

Mr. President, 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:

PRESERVE THE BIG THICKET

Many persons have been concerned with the preservation of the Big Thicket through the creation of a new Big Thicket National Park. Sen. Ralph Yarborough has sponsored bills to create such a park, but unfortunately, these bills have not been successful. Rep. George Bush is urging "coordinated action" by all administration agencies which are interested in preserving the Big Thicket. Hopefully, an agreement will be reached soon.

The Big Thicket is one of Texas' and the nation's truly unique environments. Its differing soil conditions and unusual climate, coupled with its geographical location in which plants and animals from the north, south, east, and west can intermingle, has created a delicate balance of life—or ecosystem.

This unique ecosystem must be preserved. It is a beautiful part of the country and has delighted many Texas tourists with its flora and fauna. Naturalists are amazed at the variety and diversity of life in the Big Thicket and realize that it holds a wealth of information regarding the inter-relationships of many organisms.

By developing part of this area for tourists while rigidly protecting the remaining virgin

tracts of land in the new national park, this land can be kept for the benefit of both naturalist and nature lover.

The new proposal calls for setting aside 100,000 acres. This should be done. Every day more of this precious land is being used for development and other private purposes. Too many times has disaster for the region, such as extensive drainage, been narrowly averted at the last minute. The Big Thicket once covered an area of 3.5 million acres. Today it has been eaten away to something more like a quarter of a million acres.

This land must be saved, for once it has been drained and developed, its ecology will be destroyed, perhaps forever.

With the tremendous growth which Houston, and indeed the whole state of Texas has undergone, there is increasing need for park land. Texans must not give up an area so much steeped in legend and natural beauty.

REISCHAUER CLARIFICATION

Mr. HATFIELD. Mr. President, in light of numerous contradictory statements regarding the position of Edwin O. Reischauer with reference to recent amendments to effect a withdrawal from Southeast Asia, I ask unanimous consent that a letter from Mr. Reischauer addressed to me be printed in the RECORD.

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

HARVARD UNIVERSITY,
Cambridge, Mass., June 9, 1970.

Hon. MARK HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: I wanted you to know that I am strongly supporting you and Senator McGovern in your joint amendment, even though there are points on which I would myself have favored some slight variations on the proposals.

To make my position clear, I might explain that I am convinced that only the President can lead us safely out of our disastrous entanglement in Southeast Asia and that it will take considerable time and skill for him to do so. In other words, I have doubts about the feasibility of Congress itself producing a withdrawal program through legislation, and I have all along felt that the end of 1971 might be a more attainable target date for complete withdrawal than the summer of 1971. Despite these points of difference, however, I am giving all the support I can to your amendment, because I feel that it and others like it are primarily significant as methods of convincing the President that he must adopt a more rapid program of withdrawal than he seems to be embarked on and of showing him that informed public opinion is strongly on that side. He faces an extremely difficult task, and he needs this guidance and encouragement if he is to get us out of the morass of Vietnam before our country falls into even greater disarray.

I wish you success in your efforts to win majority support for your amendment, and I assure you that I shall continue to give it my enthusiastic backing.

Sincerely,

EDWIN O. REISCHAUER.

WAR POWERS

Mr. McGEE. Mr. President, our present debate in the Chamber represents a curiously negative way for Congress to assert itself, as Crosby S. Noyes observed yesterday in his distinguished column in the Evening Star. The various amendments we have before us that seek to direct the nature of American military operations abroad fly in the face of the Constitution, as David Lawrence has commented in his own column, which also appeared in yesterday's Star.

If, indeed, the power of Congress to declare war has been usurped over the years, it has not been because of the desire of the White House to take over powers given to Congress by the Constitution, but because of the hard realities of the nuclear age. Declared war simply is out of the question. Yet the President is the Commander in Chief, empowered to command the armed services in the best interests of the Nation. It simply makes no sense to me for the Senate to limit the President's authority to conduct military operations once they are underway, whether in Indochina or any other theater.

Mr. President, I ask unanimous consent that the columns by Mr. Noyes and Mr. Lawrence be printed in the RECORD.

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

NO USEFUL ALTERNATIVE OFFERED ON WAR POWERS

(By Crosby S. Noyes)

As Senator Mansfield with his usual candor has admitted, a good deal more is involved here than another military sortie into Cambodia. The debate in the Senate over the Cooper-Church amendment goes to the most sensitive area of controversy between Congress and the White House. Which explains the keen interest of the administration in what is, in reality, a highly theoretical argument.

As Mansfield put it: "Beyond military success or failure, the issue posed by Cooper-Church is fundamental. For too long, we have skated the thin ice of constitutional expediency in matters of war and peace. For too long, the Senate has shrouded its constitutional responsibilities in the skirts of presidential authority."

This issue, in the view of the administration, very much outweighs the practical restrictions which the amendment is designed to impose so far as Cambodia is concerned. In effect, it enjoins the President to do what he has already said he intends to do anyway. And if new circumstances should arise requiring a change in the plan, even supporters of the amendment concede that the President, under the Constitution, has every right to take such emergency action as may be needed.

What is important is the larger issue of war and peace. In its broadest context, the Cooper-Church amendment, like the law proposed by Senator Jacob K. Javits, is part of a continuing and increasing effort in the Senate to reassert its exclusive authority to declare war and place severe restrictions on the discretion of the President to commit American forces anywhere without congressional approval.

The amendment itself, to be sure, does not assert the congressional right to declare wars so much as to undeclare them by imposing limitations on the President's authority as commander-in-chief to conduct them as he sees fit. Yet there is also a very clear intent to prevent any repetition of the course of events that led us to where we are in Indochina.

It is, apparently as the senators see it, largely a question of the scope of the involvement. The President, his critics concede, has the unilateral authority under the Constitution to take action anywhere in the world to protect the lives of servicemen and other United States citizens. But in the view of Mansfield and his colleagues:

"The executive branch does not have the unilateral constitutional power to commit this nation to an involvement which requires a continuing input of men and money in a country, even in the name of defending U.S. forces, or for some other objective in a second country."

If this definition amounted to a practical way of limiting presidential authority and reasserting congressional responsibility for the use of armed force, no doubt a large majority of Americans would be in favor of it. If making war could indeed be made once again a matter of democratic debate and decision, such a development would, in theory at least, be a splendid thing.

But the hard fact is that the war-making power of the Congress, as envisaged by the framers of the Constitution, is a myth. It has been "usurped" by the executive not because of any abdication of responsibility by the Congress or the arrogance of a succession of Presidents, but because of the cold realities of the nuclear age.

No President in his right mind would dream of asking Congress for a declaration of war today, and no one is arguing that he should. The Cooper-Church amendment does not challenge the authority of the President to commit American forces in the first place. It seeks rather to impose arbitrary limitations on the President's authority to conduct the conflict after it begins.

This is, to say the least, a curiously negative way for Congress to assert it constitutional responsibilities. It proposes to limit the effective war-making power of the President without providing any realistic substitute for it. In the very unlikely event that this doctrine were to be embodied into law the effect could be to neutralize American power as a factor in the global balance, with results that are only too predictable.

USURPATION BID SEEN IN CONGRESS

(By David Lawrence)

Although well-intentioned, the various amendments and resolutions being offered in both the Senate and the House which seek to direct the nature of American military operations abroad—not only in Vietnam but everywhere else that trouble may arise—appear to be plainly in violation of the Constitution. Congress has no right to specify how the tasks of the commander-in-chief of the armed services shall be performed.

The latest proposal, however, has specified how U.S. forces can be committed to combat hereafter in the absence of a declaration of war. It states four possible contingencies: To repulse a sudden attack on the United States or its possessions, to repel any hostile operation against our armed forces legally stationed abroad, to protect the lives and property of American citizens abroad, and to comply with a national commitment taken by positive action of Congress and the President.

In these instances, the bill would make the military operations dependent upon affirmative action being taken by the Congress to sustain action beyond 30 days, and the Congress would have the power to cut the 30-day period short.

This usurpation of authority over the commander-in-chief is certainly not in consonance with the constitutional provision which flatly states that the President of the United States is to be commander-in-chief of its armed forces. Again and again, when there has been no declaration of war, the United States has engaged nevertheless in an extensive military operation, as, for instance, in Korea in 1950.

In the case of Vietnam, President Lyndon B. Johnson did obtain from Congress, through the Gulf of Tonkin Resolution in 1964, explicit authority to "take all neces-

sary measures" in Southeast Asia in order to defend that area, where military steps had already been started for that purpose. The country at the time was well acquainted with the Vietnam war and its objectives.

A President can go to Congress and ask for its consent to send troops to carry out treaty obligations. But this doesn't necessarily require a "declaration of war." It is the legal implication of the latter term which has caused a hesitancy to proclaim such a status in the Vietnam war.

There are some occasions when an official declaration of war can result in international complications. Mutual-defense agreements or treaties of alliance which the belligerents have with other governments can be invoked, widening the conflict. Formal neutrality would have to be proclaimed by some countries.

Other problems under international law arise once the United States assumes a wartime status. Normal trade relations are interrupted. Travel to and from this country becomes subject to closer inspection, and merchant ships on the high seas or in the vicinity of the war area might feel uneasy when the American fleet is in the same waters, because searches can be made to prevent shipment of supplies from reaching the enemy. This is not the kind of war the United States wanted to wage anyway.

Now particularly the United States government feels that American participation of any consequence will be brought to an end within the next two years. So there is no desire to become involved with any declarations by Congress about a "state of war."

President Nixon has promised that by the end of June, which is less than two weeks away all American troops will be withdrawn from Cambodia. Surely the members of Congress who have been assiduously trying to pass resolutions on the subject of suspending fund for further military projects in Cambodia could wait at least a fortnight. There is really no need for any legislation on the subject of Cambodia.

The American people are watching what is happening on Capital Hill, and next November all members of the House and a third of the Senate will be up for re-election. The "silent majority" of their constituents are still a powerful factor. From a political standpoint, the dissidents would be wiser to spend their time on domestic legislation, so much of which has been neglected while Cambodia has been getting attention it doesn't deserve.

DISTRICT OF COLUMBIA CRIME

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

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

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

BUS DRIVER WOUNDED IN HIP BY MAN AT STOP HOLDING GUN

A D.C. Transit bus driver was shot yesterday morning when he stopped at 7th and P Streets NW to pick up a passenger. Police said it was an unprovoked attack and no robbery was attempted.

James F. Mongelluzzo, 58, of 1101 Agnew Rd., Rockville, was shot twice in the hip while the 15 passengers on his northbound Georgia Ave. bus looked on. He was reported in good condition at the Washington Hospital Center.

The driver stopped his bus and opened the doors for a man standing at the stop, police said. The man pulled out a gun and shot Montgelluzzo, a 28-year veteran with the bus company, police stated.

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

STABBED

Duane Blacksheare, of 130 V St. NW, was treated at Children's Hospital for shoulder injuries he suffered during a fight at his home about 6:20 p.m. Tuesday with a man who stabbed him, then chased him out of the building and escaped into the 100 block of V Street.

Michael Akins, of Washington, was admitted to D.C. General Hospital for wounds suffered during an attack about 9:40 p.m. Tuesday. A group of men attacked Akins from behind as he was walking north in the 600 block of 15th Street NE and began hitting him. One of the men struck Akins with a machete and the group dispersed.

ROBBED

Robert Stadler Jr., of Washington, was held up about 11:10 p.m. Monday by two young men who hailed his taxi at East Capitol Street and Benning Road and asked Stadler to drive them to the 3500 block of Jay Street NE. When they arrived there, one of the passengers pulled out a pistol, placed it at Stadler's head and said, "Okay, this is it." After a brief struggle, the gunman orderd the hacker to get out of the cab and robbed him of his change and bills.

Corlia Green, of Landover, was held up shortly before midnight Monday as she was getting out of her car on a parking lot in the 500 block of Hunt Street NE. A man holding a long-barreled revolver approached her and warned, "Give me your pocketbook, don't say a word. Don't you scream." She handed him her purse and the gunman began running from the lot. When Miss Green did scream, the armed man turned and fired but did not hit her. Joining two other men, he escaped on foot toward Jay Street NE.

Woodward & Lothrop department store, 11th and F Streets NW, was robbed about 5:10 p.m. Tuesday. The clerk at the bakery counter was counting the day's receipts when a youth approached her and threatened, "Give it up or I will kill you." Grabbing the money, the youth ran up the stairs and fled through a side door onto 10th Street.

Lauren Kaminski, of 490 M St. SW, was held up about 9:25 p.m. Tuesday as she was entering her apartment building. Two men approached her from behind and one of them said, "Give me your purse; I have a gun," and showed her a small revolver. She handed the men her pocketbook and they ran west toward 4th Street.

Ralph Krueger, of Richmond, was beaten and robbed about 11:50 p.m. Tuesday, by a man armed with a knife, in the hallway of a house at 6th and E Streets NW. The armed man forced Krueger to remove his clothes, took his cash and hit him in the side with a broken bottle. The man escaped with the clothing and money.

Dr. John E. Virñstein and Mrs. Bernice M. Mills, both of Washington, were held up about 6:40 p.m. Tuesday as they were entering their car at the rear of the 3300 block of 16th Street NW. Five men, one of them concealing a gun under a sweater draped over his arm, approached the couple and warned, "This is a holdup. I'll kill you." While the gunman held them at bay, his companions took from Virñstein a card case full of credit cards, a diamond watch and a '32-caliber automatic. From Mrs. Mills they took a handbag containing cash and charge cards. The group fled through an alley into the 1500 block of Monroe Street NW.

Dov Bear Kasaghkoff, of Washington, was robbed of a large amount of money shortly after 5 p.m. Tuesday. A large group of men congregated around him as he waited for a bus at 14th Street and New York Avenue NW. As they crowded around and jostled Kasaghkoff, one of them picked his pocket and escaped with his wallet containing personal papers and cash.

Swift Cleaners, 1751 F St. NW, was robbed about 4:35 p.m. Tuesday by two youths who approached the employee as he was putting the money under the counter. "If anyone moves, they will get shot," threatened the youths as they grabbed the money. The pair escaped with the cash heading north in the 600 block of 18th Street.

George Edward Salloom and Mary Terressa, both of 806 Massachusetts Ave. NE, were held up about 11:55 a.m. Tuesday by two youths who forced their way into the house after Mary Terressa answered their knock on the front door. "Be quiet. Give me your money," the intruders ordered and one of them pointed a revolver at the couple. They forced Salloom to surrender his watch and cash. Then the gunman took the money from a white purse near the front door while his companion entered the dining room. Ordering the couple to go upstairs, the pair ran out of the front door and fled east to the 800 block of Massachusetts Avenue NE.

George Alvin Johnson, of Washington, an ice cream vendor, was held up about 10:55 p.m. Tuesday by three armed youths who approached him while he was selling ice cream from the rear of his truck on Kenilworth Avenue NE. While two of the youths pointed handguns at Johnson, the third man searched his pockets and removed the money. After searching the truck for more money, the gunmen ran north through an alley besides Kenilworth Avenue NE, discarding Johnson's license and keys as they fled.

Mildred A. Oherin, of Washington, was treated by her private physician for injuries she suffered during a robbery shortly after 1 p.m. Tuesday at 38th Street and Military Road NW. A youth approached her asking if she knew the time, then grabbed her pocketbook containing glasses, checks and credit cards. Miss Oherin was knocked to the ground, injuring her elbows and knees, during the scuffle.

James Oliver Register, of Alexandria, and Violet Denkle, of Washington, and Samuel Guise, of Oxon Hill, were held up about 12:55 a.m. in a restaurant in the 2700 block of Nichols Avenue SE. A man entered the restaurant, sat down beside Guise and ordered a beer. The man drew a revolver from his coat pocket and ordered Guise and Miss Denkle to go to the front door and lock it. After taking Guise's cash, the gunman told him to walk behind the bar while he opened the cash register. The gunman took the bills and coins from the register, led Guise and Miss Denkle to the rear door and forced Guise to accompany him out of the building. After leading him about 30 yards into an alley behind the restaurant, the gunman removed Guise's watch and ran north in the alley.

Murray Wells, of 1701 16th St. NW, was held up about 10:45 p.m. Tuesday by five youths who surrounded him at the rear of his apartment building. One of them pointed a revolver at Wells while the others took his watch and wallet. After the robbery, the group escaped on foot heading north on the parking lot behind the building.

Tourist Home, 155 11th St. NE, was held up about 2:55 a.m. by a young man and woman who entered the lobby and approached the clerk, Eulasteen Wright, as if they wanted a room. The woman walked to the front door as though she were about to leave but, instead, opened the door and let another man in. That man went to the clerk, pulled out a gun, cocked it, and held it at her face. "Let me have all the money and no trouble," the

gunman ordered and Miss Wright entered the rear bedroom to get the cash. The man forced her to give him her own money while the other man searched the room for additional cash. The woman remained at the front door as a look-out while the men cut the telephone wires and attempted to tie up Miss Wright. The trio ran out of the front door.

Ryland M. Brayton, of Washington, was held up about 8:50 p.m. Tuesday by two men, one of them holding a revolver, while he was sitting in has car at Division Avenue and Foote Street NE. The gunman ordered Brayton to get out of the car, changed his mind and told him to reenter the auto. He then reached into the car and removed the bills from Brayton's pockets. The pair escaped into a wooded area nearby.

Anthony E. Davis, of Capitol Heights, an ice cream vendor, was held up about 9:40 p.m. Tuesday by two men, one holding a pistol, when he stopped his truck at Kenilworth and Eastern Avenues NE. The men ordered Davis to drive them south on Route 295 and told him to stop behind the Anacostia Recreation Center, where they entered the rear of the truck, opened the cash box and removed the money. The pair fled with the bills and change, heading south on Route 295.

Townsend Miller, an employee of the Home Juice Co. of Arlington, was held up about 3:55 p.m. Tuesday, when he stopped for a traffic light at 3d Street and Virginia Avenue SE. "Come on, quick. Give me the money before the traffic moves," a youth told Miller and pulled a small revolver from under his sweater. Miller handed his cash to the gunman, who escaped south on 3d Street.

Tanners Cleaners, 4522 Benning Rd. NE, was held up about 2:05 p.m. Tuesday by a youth who entered the shop and said to the clerk, "Hey, lady, I want some clothes." The youth drew a revolver, forced the clerk to empty the cash register and escaped with the money.

Mayers Candy and Tobacco Company, Inc., 5646 3d St. NE, was held up about 5:10 p.m. Tuesday by two men who knocked on the front door and told the owner, Irwin Atkins, "We came from the liquor store. We have a delivery." When Atkins opened the door, one of the men drew a revolver and ordered, "Keep moving and don't turn around." He forced Atkins and an employee, Dave Petrushansky, to the rear of the building where another employee, Charles G. Allen, was working. The men forced the three victims into the office. When a driver for the company, William E. Hall, knocked on the office door, he was admitted by one of the gunmen who placed a revolver at his head. While the four employees lay on the floor and the gunmen watched them, the other man put on a pair of gloves, and began ransacking the office. After removing the bills and change from the safe, the pair took the wallets from the employees and fled from the building.

Louis Briscoe, of Washington, was held up about 1:30 a.m. Tuesday by two youths who approached him as he was walking west in the 4700 block of C Street NE. "Do you have a match?" they asked and Biscoe replied "No." One of them then said, "This is it," and placed a pistol at Briscoe's abdomen. His partner pulled out a sawed-off shotgun, searched Briscoe' pockets and removed the money and papers. The gunmen then fled south on Benning Road.

James H. and Theresa Padgett, both of the 600 block of Lebaum Street SE, were held up about 9:50 p.m. Monday by three youths with pistols who approached them at their home. "Give me your money," one of the youths demanded and took Padgett's wallet.

Thelma M. Wilson, of Washington, was beaten and robbed of a large amount of money by two men who attacked her in the 700 block of H Street NE, knocked her to the ground and fled south on 8th Street with her pocketbook containing the cash, food stamps and personal papers.

Gas station, 2125 14th St. NW, was held up about 12:10 p.m. Tuesday by a young man who entered the station and asked an attendant, "Where is the boss?" When the employee replied that he was not there, the man placed a revolver at the attendant's side and said, "This is a holdup. Give me the money." The gunman led the attendant to the cash drawer and forced him to empty the money into a brown paper bag. The armed man then turned to another employee, Dock Green, who was working in the station, and demanded his money. When Green said he had none, the gunman searched him. Then James Worshey drove into the station for some gas and asked, "What's happening here?" Worshery was then forced to give the armed man his money pouch and herded into the men's room with the employees while the gunman made his escape.

David L. Green, of Washington, an ice cream vendor, was held up about 4:05 p.m. Tuesday at the corner of Jefferson and Chillum Places NE. Two men approached Green and asked for ice cream. When he turned to get their orders, one of them placed a revolver at his back and said, "Give me your money." Green handed the pair the coins from his change carrier and his bills and they fled west in the 400 block of Kennedy Street NE.

Harold Howard, of 2700 Texas Ave. SE, was held up about 1:30 a.m. Tuesday by two women, one armed with a knife, who demanded his money. When Howard said he had none, one of the women threatened to shoot him and took his wallet. After taking a statue and clock from his apartment, the women ran out of the building and drove off in a white car.

Cut Rate TV store, 1727 21st St., NW, was held up about 9:05 a.m. by two men who entered the shop and asked the owner, Rubin Phillips, of Wheaton, about repairing a color television set. The men then left the store but returned shortly. One of them approached Phillips, held a knife at his throat and demanded money. Taking the cash and a watch from Phillips, the pair fled on foot.

Robert R. Johnson, of Washington, was held up shortly after noon by two men who approached him in the 500 block of U Street NW. One of them pulled out a gun and forced Johnson, to give them his cash, then escaped with his partner, heading east on U Street.

STOLEN

An adding machine, two electric typewriters and a calculator, with a total value of $525, were stolen sometime between 9 p.m. Monday and 9 a.m. Tuesday from Murchison Realty Mortgage Banking, 3005 Georgia Ave., NW.

Two AM–FM radios, three adding machines and two IBM electric typewriters, with a total value of $1,446, were stolen between 5 p.m. June 5 and 8:30 a.m. June 8 from the office building at 6200 Kansas Ave., NE.

A piano, two chairs, a television set, a stereo set, a bedroom set, a projector, an adding machine, a tape recorder, a typewriter and an assortment of kitchen goods, with a total value of $1,337, were stolen from the home of Lee Hawke, a Justice Department attorney, at 1000 6th St., SW.

An adding machine was stolen from a desk at Scott Montgomery School, 421 P St., NW. some time before noon Tuesday.

Two tape recorders were stolen between 5 p.m. Friday and 2 p.m. Tuesday from the storage room at Federal City College, 1321 H St., NW.

An assortment of tools valued at $1,600 was stolen between 7 p.m. Tuesday and 6:45 a.m. yesterday from Presley Auto Repair shop, 1337 H St., NE.

An oil painting of an old philosopher framed in a large carved gilt frame and valued at $550 was stolen between 10 p.m. Monday and 9 a.m. Tuesday from the art shop of Theodore A. Cooper at 2727 29th St., NW.

Seven antique clocks worth a total of $2,760 were stolen between 5 p.m. Monday and 9:30 a.m. Tuesday from Dennis Cory when his shop at 2918 M St., NW. was burglarized.

DESTRUCTION OF ARTISTIC AND ARCHEOLOGICAL HERITAGE

Mr. HARRIS. Mr. President, future generations will judge us not only for the careless way we have eaten away the earth's natural resources but, as well, for the ever-increasing rate at which we are destroying the artistic and archeological heritage of earlier civilizations.

Mrs. Clemency Coggins, of the Fogg Museum of Art at Harvard University, has, for example, recently documented a terrifying record of recent destruction of the remaining Mayan sculpture in Guatemala and Mexico, and has said that "not since the 16th century has a Latin American country been so ruthlessly plundered." The press has carried a number of other stories of the plundering of ancient art treasures in Italy, the Middle East, Turkey, and elsewhere.

Much of the stolen material finds its way into private collections and museums in this country.

This problem has recently received close attention from a panel of the American Society of International Law and, at a meeting in Paris, of the United Nations Educational, Scientific, and Cultural Organization—UNESCO. The UNESCO conference developed a proposal for a broad-scale international convention to control illicit smuggling of irreplaceable national art treasures. And the members of the American Society of International Law panel not only provided counsel and advice to our effective U.S. delegation to the conference but, in their individual capacities, have more particularly proposed several important legislature measures for the United States to complement the convention.

I understand that these matters are now under active consideration in the executive. I applaud the State Department's interest and concern. The Senate and Congress will want to give its most serious consideration to the executive's proposals when they are put before us.

I ask unanimous consent to have printed in the RECORD an exchange of correspondence between the Secretary of State and William D. Rogers, a lawyer of Washington, D.C., with, as it happens, almost the same name, who served as chairman of the panel.

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

THE AMERICAN SOCIETY OF INTERNATIONAL LAW,
Washington, D.C., April 3, 1970.

Hon. WILLIAM P. ROGERS,
The Secretary of State,
Washington, D.C.

DEAR MR. SECRETARY: I enclose herewith two Resolutions recently adopted by the members—in their individual capacities—of the Panel on the International Movement of National Art Treasures of the American Society of International Law.

The two Resolutions are directly relevant to the meeting of the United Nations Educational, Scientific and Cultural Organization, to be held this month in Paris. The meeting will consider a draft UNESCO "Convention of Cultural Property." We have therefore thought it fit and appropriate to bring these Resolutions to your attention.

In the view of the Panel, certain aspects of the international movement of national art treasures are reaching the crisis point. Archaeological and esthetic values are being destroyed at an increasing rate by illegal treasure hunters—witness the Mayan carvings of Middle America. Art smuggling is increasing—so the experts say. And the museums of this country are coming under increasing attack abroad for what appears to some to be undiscriminating acquisition of the cultural properties of other peoples, without regard to the legitimacy of the origin of that property—as recent newspaper stories have made clear.

Accordingly, as the two Resolutions set forth, the Panel members have decided to recommend that the President be armed with emergency legislative authority to prohibit the importation into the United States of designated artistic and historic works of cultural heritage, at the same time as the United States works with other nations to expand legitimate art exchanges. The Panel has also urged the world community to take immediate measures to rescue the remaining threatened Mayan stone carvings. In addition, the Panel has through other channels urged the private museums of this country to adopt new self-restraining policies on acquisitions and has given its extended and careful analysis to the UNESCO Draft Convention, which analysis was summarized in a letter from me to Miss Annis Sandvos of the Department of State on November 26, 1969.

I enclose a list of the members of the Panel. As you can see, the Panel included a number of eminent leaders of the bar, of the museum community, of collectors, dealers, archaelogists and scientists throughout the country. While the Panel could not pretend to speak for all conceivable interests, it did express a broadly-based sense of concern and has set down several measures worthy, at least, of early public policy consideration.

Sincerely yours,

WILLIAM D. ROGERS.

Enclosures.

RESOLUTION

I.

Members of the Panel are of the view that the Congress of the United States should adopt legislation to enable the President to prohibit importation into the United States of such archeological, architectural and other artistic and historic works constituting an essential part of the national cultural heritage of the country of origin as the President may from time to time designate and as shall have been exported, after such designation, from the country of origin contrary to its laws. Each such designation must of course be sufficiently precise to give fair notice to all interested parties, including owners, dealers, museums and public officials, of whether specific objects are in fact banned, and should be based upon the advice of a qualified commission, which shall include representation of U.S. museums, scholars, dealers and collectors, that (1) prohibiting importation is necessary to prevent serious jeopardy to the national cultural heritage of the country of origin; and (2) the export programs and policies of the country of origin fairly take into account both that country's national interest in the protection and preservation of such works and the legitimate interests of the United States and other nations of the world in the movement of such works as a part of the cultural life of their people.

The members of the Panel are also of the view that the United States should work with other countries toward a reexamination of their import and export programs and policies to assure that these reflect fair accommodation of the various values affected, including not only the value of preserving the national patrimony of the countries of the world but also the significant educational and cultural values served by the lawful movement of art across international boundaries.

II.

The members of this Panel are of the view that urgent steps should be taken to prohibit the importation into the United States of pre-Columbian monumental and architectural sculpture and murals hereafter exported without the consent of the exporting country, and that, for their part, these countries should take effective action to deter defacement, destruction and illegal export of these works.

INTERNATIONAL MOVEMENT OF NATIONAL ART TREASURES

William D. Rogers, Esq. (Chairman), Arnold & Porter, 1229 Nineteenth Street, N.W., Washington, D.C. 20036

Professor Paul M. Bator (Rapporteur), Harvard Law School, Cambridge, Massachusetts 02138

Ralph G. Albrecht, Esq., 520 East 86th Street, New York, New York 10028

Miss Elizabeth Benson, Curator, Pre-Columbia Museum, Dumbarton Oaks, 1703-32nd Street, N.W., Washington, D.C. 20007

Ronald Bettauer, Esq., Office of the Assistant Legal Advisor for United Nations Affairs, Room 6418, Department of State, Washington, D.C. 20520

Professor J. O. Brew, Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, Massachusetts 02138

Mrs. Clemency Coggins, 48 Islington Road, Auburndale, Massachusetts 02166

Dudley T. Easby, Esq., Curator, Primitive Art Section, Metropolitan Museum of Art, Fifth Avenue and 82nd Street, New York, New York 10024

Dr. Gordon Ekholm, Curator of Mexican Archeology, American Museum of Natural History, Central Park West and 79th Street, New York, New York 10024

Gilbert F. Edelson, Esq., Rosenman, Colin, Kaye, Petschek, Freund & Emil, 575 Madison Avenue, New York, New York 10022

Mr. Andre Emmerich, Andre Emmerich Gallery, 41 East 57th Street, New York, New York 10022

Dr. Clifford Evans, Curator, Department of Anthropology, U.S. National Museum of Natural History, Smithsonian Institute, Washington, D.C. 20560

Ernest R. Feidler, Esq., Secretary, Treasurer and General Counsel, National Gallery of Art, Washington, D.C. 20565

L. Ward Hamilton, Esq., Assistant General Counsel, The Smithsonian Institution, Washington, D.C. 20560

Ashton Hawkins, Esq., Secretary, Metropolitan Museum of Art.

Mr. Jay C. Leff, President, Fayette Bank, Uniontown, Pennsylvania

Robert MacCrate, Esq., Sullivan & Cromwell, 48 Wall Street, New York, New York 10005

James A. R. Nafziger, American Society of International Law, 2223 Massachusetts Avenue, N.W., Washington, D.C. 20008

Robert B. Orr, Esq., Room 5600, Rockefeller Plaza, New York, New York 10020

Peter G. Powers, Esq., General Counsel, The Smithsonian Institution, Washington, D.C. 20560

Dr. Charles Rozaire, Curator of Archeology, Los Angeles County Museum of Natural History, 900 Exposition Boulevard, Los Angeles, California 90027

Samuel A. Stern, Esq., 900 Farragut Building, 900–17th Street, N.W., Washington, D.C. 20006

THE SECRETARY OF STATE,
Washington, D.C., April 24, 1970.

Mr. WILLIAM D. ROGERS,
The American Society of International Law, Washington, D.C.

DEAR BILL: Thank you for your letter of April 3 enclosing two resolutions recently adopted by members—in their individual capacities—of the Panel on the International Movement of National Art Treasures of the American Society of International Law.

As you know the Department has been deeply concerned about the problem addressed by these resolutions. We believe that practical steps should be taken on the international plane, as well as by the countries directly concerned, to control illicit activities that can destroy irreplaceable cultural resources. We also believe that the international movement of art in legitimate channels serves important educational and cultural values and enhances mutual respect and friendly relations among peoples and states. We therefore welcome this initiative taken by a distinguished group of scientists, attorneys, art dealers and scholars. The Panel's resolutions will be given careful consideration, and I have already taken steps to initiate the necessary staff studies and consultations with the other U.S. agencies most directly concerned.

I also wish to take this opportunity to express my appreciation for the advice and assistance given to the Department of State by the Panel of the American Society of International Law in regard to the draft Convention on the Means to Prohibit and Present the Illicit Import, Export and Transfer of Ownership of Cultural Property now being considered in UNESCO, and in regard to the treaty now being negotiated with the Government of Mexico relating to the Recovery and Return of Stolen Archeological, Historical and Cultural Property. We will of course take these developments into account in considering further steps in this matter.

With best personal regards,

Sincerely,

WILLIAM P. ROGERS.

CHARLES P. McCORMICK

Mr. MATHIAS. Mr. President, Baltimore, the State of Maryland, and the Nation lost a distinguished citizen Tuesday with the passing of Charles P. McCormick, chairman emeritus of McCormick & Co. Mr. McCormick, a businessman, author, artist, and leader of the Baltimore community, was 74.

I ask unanimous consent that his obituary, published in Wednesday's Baltimore Sun, be printed in the RECORD.

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

McCORMICK, SPICE IMPORT LEADER, DIES

Charles P. McCormick, businessman, author, artist, and dynamic leader in many affairs of his city, state and nation, died yesterday. He was 74.

A spokesman for the family said Mr. McCormick died at 5 P.M. at University Hospital, where he was taken Sunday after a heart attack.

Mr. McCormick was chairman emeritus of McCormick & Company, a family firm which he took over in the depths of the Depression, and which turned into the largest spice and tea firm in the world. He retired last August as chairman of the firm, a post he had held since 1955.

As a result of progressive ideas advanced for his own business, he wrote books which went into several editions here and abroad, and numerous articles which attracted attention of economists and management of many types of industry.

MAN WITH IDEAS

He was an advocate of multiple-management, which embodies use of various boards, junior and senior, generating ideas and practices for improvement of companies. His book entitled "Multiple-Management" was brought out in 1937. "Power of People," completed in 1949 was another volume which embodies "revolutionary" ideas to some, but to Charley McCormick was a working out of the best opportunities in our free economy.

Despite intensive work in developing his firm, Mr. McCormick found time to devote large portions of his very active days to civic affairs.

Among the more recent was his chairmanship of the Board of Regents of the University of Maryland and of the Civic Center Committee.

He guided the Civic Center Commission through its years of controversy before the final definition of the center's needs and the selection of a site. Mr. McCormick did not retire from the Civic Center Commission until 1965, when he could leave assured that it was functioning profitably.

DIRECT CONFRONTATION

His years as chairman of the Board of Regents brought him into direct confrontation with students seeking a greater voice in the administration of the University of Maryland.

Faced last year with student demands for representation on the Board of Regents, Mr. McCormick would not accept the idea.

"Sure they can give their complaints," he conceded at the time, but he added that being a regent would take too much time from a young person's studies.

When one student pressed the point, asserting, "I just want to express our concern" over a lack of voice in making university policy, Mr. McCormick retorted: "You keep stressing it, but it's our responsibility, not yours."

He was elected last year to the Hospital Cost Analysis Service, Inc., an independent non-profit agency which studies and evaluates hospitals costs in the state.

Last December he was one of three Baltimoreans to receive the George L. Radcliffe Humanitarian Award for his work with the March of Dimes.

Among his business and civic activities, Mr. McCormick became a member of the board of the Federal Reserve Bank of Richmond in 1939, and was its chairman in 1952.

In 1963 he served as chairman of the membership drive of the Baltimore Symphony Orchestra.

IN MANUFACTURER'S GROUP

In 1938 he was president of the Better Business Bureau of Baltimore, and in 1943 a director of the United States Chamber of Commerce, and also on the board of the National Association of Manufacturers.

For many years he was on the advisory council of the Department of Commerce.

In 1942, he headed the Russian War Relief campaign in Baltimore seeking drugs for the Russian war victims; in 1949 he became employer delegate to the International Labor Organization Conference at Geneva, designed to hammer out many management and labor problems of many nations; in 1955 he was vice chairman of that conference.

DOUBTED RUSSIANS' WORD

It was at those parleys he became very skeptical of the Russian participation and noted Soviet designs to frustrate better understanding throughout the world. He was quite outspoken on the subject.

Returning from Europe in 1959, he said: "The Cold War is in a new phase, and America is not winning it. We must realize that we are entering a new era of competition. We've reached a stalemate militarily, but we are going to be battling for our lives economically."

In 1942, he was a member of a committee of six who surveyed the Army's methods of procuring, storing and distributing food.

In 1958 and 1959 he was national chairman of the Heart Fund Drive, and in the latter year he was on a NATO subcommittee at London for a parley on Western economic policies.

KEPT INTEREST IN THE NAVY

He had served as an enlisted man in the Navy in the First World War. He never lost his interest there and his desk and office always being decorated with things nautical. It was at this desk a circular bar-shaped affair born of prohibition antipathy, that he carried on interviews and business conferences, while at the same time often working on colored drawings which later in ceramics became part of telling the story of a vast and interesting world-wide spice firm. He was adept at other art works also.

He did paintings, figurines in wood, drawings of many types for greeting cards and for company packaging, an avocation of a very busy man. The Friendship Court, which depicts an old English tea house, was another outgrowth of his artistry and a highlight for visitors at the McCormick Building.

For Mr. McCormick was a showman, too, an unusual combination of a business man with tough business sense and a man with artistic warmth who believed in and practiced the golden rule.

RECEIVED MANY HONORS

His continuous interest in the Navy led to an award in 1959 from the Navy League for outstanding service as chairman of the Advisory Council on Naval Affairs.

In the last few years, among other citations he had received the Golden Deeds Award from the Exchange Club; was honored by the Maryland region of the National Conference of Christians and Jews for distinguished service in the field of human relations; received the Youth and Achievement Award from the B'nai B'rith; and was cited as the Big Brother of the Year (1959) by the Jewish Brother League and the Big Brothers of Baltimore.

Mr. McCormick was one of the leaders who brought professional football to the city, and served as chairman of the first Colts Football Club.

FOR THE UNSUNG HEROES

His interest in sports at another level took a sentimental turn with his founding of the Unsung Heroes Award, through which school boy players who never heard the crowd cheer them on as stars of a game became guests at an annual banquet and received honors for their "unsung" play.

While they thought new ideas were greatly needed by American business, and Mr. McCormick with free-wheeling vocabulary never failed to urge them, he continued to believe ours is the best way of life.

"Too many bankers and industrialists," he wrote in 1949, "associate with their own clique exclusively; too many labor men travel only with their fellows.

"There's nothing wrong with capitalism, but there's a lot wrong with some of the people who use it. American living is the best the world has ever seen. But of what lasting use will it be if we do not learn how to get along better with one another?"

The process of developing management at all levels meant sharing work and responsibility, and Mr. McCormick always was willing to share the credit of success in the company. But there was never any doubt that management stemmed from the top.

CONDITIONS IN 1932

He described conditions in the firm (where he began in a lowly job, lived the hard life of a salesman, and was fired at least tentatively four times as vice president at the time he took over on the death of his uncle in 1932.

Employee morale and working conditions were low. But he reduced working hours, raised wages, set up junior boards, installed profit-sharing, bonus and pension plans, also organizing other company advisory boards. Soon the company was out of the red. Other and larger companies have adopted the plan.

BORN IN MEXICO

Charles Perry McCormick was born in Morelia, Mexico, on June 9, 1896, the son of the Rev. and Mrs. Hugh Pendleton McCormick. His father was a Baptist missionary, and he received his education first in Puerto Rico, in Paris, in Alabama and Virginia, and then at Baltimore City College and the Johns Hopkins University. He was first employed by his company in 1912, became vice president in 1928, president in 1932, and chairman in 1955.

Mr. McCormick was married in 1921 to Marion Hinds. They were divorced in November, 1943, and later that month he was married in New York to Mrs. Anne Wollman McPhail.

In addition to his wife, Mr. McCormick is survived by three sons, Charles P. McCormick, Jr., a vice president of commercial development in the spice firm; Robert N. McCormick, a sales executive in the company, and Lt. John G. McCormick, who is stationed with the Army in New Orleans.

He is also survived by a daughter, Mrs. Paul E. Welsh, of Baltimore and seven grandchildren.

MISGUIDED ATTACK AGAINST GREECE

Mr. THURMOND. Mr. President, I do not understand why some critics continue their misguided attack against Greece. Greece is a keystone of NATO in the Mideast, and it is most important that the Government of Greece be friendly toward the West and opposed to communism.

By any such standards, the present Government of Greece is such a government. Given the chaotic situation which Greece faced, the present regime has been working hard at a difficult task. It is a stern government but one which is well adapted to the situation.

The current issue of the weekly news magazine Human Events contains a fine analysis of the situation by Mr. DeWitt Copp. Mr. Copp thoroughly refutes the false charges which have been raised against Greece and points out that the Greek position is actually that of moderation and pacification in the troubled Mideast. There have been few such objective articles in the Washington press, so I wish to thank Mr. Copp for his careful work and his courage. Human Events is to be congratulated for publishing so fine a piece.

Mr. President, I ask unanimous consent that the article, entitled "Foes Continue Misguided Attack Against Greece," published in Human Events for June 6, 1970, be printed in the RECORD.

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

FOES CONTINUE MISGUIDED ATTACK AGAINST GREECE

(By DeWitt S. Copp)

When Greek Communist composer Mikos Theodorakis arrived in Paris on April 13 in the company of French leftist author Jean-Jacques Servan-Schreiber, one would have thought from reading accounts in the

liberal press here and abroad that Servan-Schreiber had single-handedly invaded Greece and, with magnificent courage, snatched Theodorakis from the wicked clutches of the overlords of the Greek government. The composer referred to Servan-Schreiber as his "kidnapper and political friend," and, with a touching display of modesty, Servan-Schreiber declared he had intervened personally in the case to help bring democracy back to Greece.

Since then, others such as Jacqueline Kennedy Onassis have stepped forward to claim a hand in helping to obtain the release of the former deputy of the Communist-directed United Democratic party.

Few news accounts, including Theodorakis' statement, bothered to give credit where it was due. It was the Greek government, and no one else, which was responsible for the release and departure of the militant Communist composer.

Further, the decision to release him was made long before April and far in advance of Servan-Schreiber's "heroic" visit to Athens on Theodorakis' behalf. In December 1969 it was indicated to this reporter by one of the leading Greek officials that Theodorakis was going to be permitted to leave the country "within the next few months" and in the first week of March I was told he would be freed "soon."

In view of the increasing tempo of press attacks, and the verbal abuse by certain members of Congress against the government of Prime Minister George Papadopoulos, the above point is an important one, for the accusations against Greece—whether made by the Council of Europe in its 1,200-page cry of "torture" or by Sen. Stephen Young (D–Ohio), who says "the people of Greece have been living under a dictatorship little different from Nazi Germany"—do not stand up under careful investigation and scrutiny.

THREAT OF RED TAKEOVER

The present regime began three years ago in the pre-dawn hours of April 21, 1967, when a handful of Greek military officers moved to take control of their country. Their actions were swift and, with the exception of one death, bloodless. Their fundamental reason for the seizure was their belief that their country—already suffering from sustained violence and upheaval—was on a collision course with a Communist-inspired civil war.

Despite recent statements to the contrary by the Council of Europe, evidence subsequently produced by the Greek government shows clearly enough that the aim of the Greek Communist party and its grab-bag of leftist followers was to foment civil strife and, under the all-encompassing banner of "democracy," implant its iron rule.

Anyone who has studied this documented evidence, which gives names, dates, resolutions and directives—anyone knowing anything about the history of the Communist movement in the last 50 years—would be satisfied that the fears of the men who stepped into power to head the Communists off at Thermopylae, so to speak, were correct. During the month of March and part of April, I had the opportunity to question many Greeks from all walks of life on this subject, and most believed "the Colonels" were right in their fears.

Now, three years have passed. The men who took control are still in control, former Army Col. George Papadopoulos remains prime minister. And with the increasing reports of "torture," "brutality" and "repression," the question naturally arises: What is the real situation in Greece today? Throughout the months of March and April, three major events occupied the attention of most Greeks and they will serve as a focal point to supply the answer.

On March 8 an attempt was made on the life of Archbishop Makarios of Cyprus. Directly thereafter, such newspapers as the International Herald Tribune made strong implications that the Greek government in Athens was behind the assassination plot against the popular Cypriot leader.

On March 11, I was granted a personal interview with Prime Minister Papadopoulos and I put the question of these implications to him.

This was his response:

"Today, a careful study of the situation in Cyprus can only lead one to believe that the islanders are ready to jump at each other's throats the moment they are given the chance. The only unifying factor in existence at present, is found in the person—and the personality—of the Archbishop. He alone can insure peace among the people.

"Therefore, upon careful assessment of the situation, it would not be rational on our part to wish to destroy the only factor that keeps peace on the island. If anyone wants to believe that the Greek government wishes to promote slaughter, then they can agree with the *Herald Tribune*, but I should make it clear that not only are we opposed to taking the life of our friends—and the Archbishop is one of our best—we have also proven our leniency toward those who attempted to take our own lives."

In this last remark, the prime minister was referring to the attempt made against him in 1968 and his commutation of the death sentence of this would-be assassin.

In addition to what the prime minister said, and what all Greeks, but apparently few outsiders knew, the critically wounded helicopter pilot who saved the Archbishop's life (after being shot three times in the stomach) was Major Zacharias Papadoyiannis, the most proficient helicopter pilot in the Greek army. He had been assigned on loan to Makarios by the Papadopoulos government shortly after it took power.

The second of the recent major events occurred soon after the Makarios incident when *Ethnos*, an Athenian daily, published an interview with Ioannis Zigdis, a former Minister of Industry. In the interview Zigdis maintained that the recent "tragic events in Cyprus" could only be handled properly by a government of national unity in Greece and that the present government must go.

Responsible Greeks from all walks of life, however, recognize the only way *any* government in Athens can handle the explosive situation in Cyprus is by not rocking the boat. *Enosis*—union with Greece—has long been the battle cry of Greek Cypriots, but often for partisan political reasons having nothing to do with union, but rather with a centuries-old hatred for the Turkish minority on the island. But let *any* Greek government play to the *Enosis* singers and it would risk a full-scale war with Turkey, because *Enosis* would mean eviction or worse for the Turkish Cypriots.

A war between Greece and Turkey would play nicely into the hands of the Soviets. It would wreck NATO, and the outcome would be catastrophic to the West—not to mention Greece and Turkey.

Presently, some 3,000 U.N. troops help to keep the uneasy peace on the island. But the leadership of the Archbishop, as well as that of responsible Turkish officials, is a vital factor in the maintenance of that peace.

INTERNECINE CONFLICT

However, the would-be killers of Makarios are not Turks, but Greek Cypriots, and this is where the greater danger lies. A manifestation of this internecine conflict came with the murder of Polycarpos Yorgadjes, a former member of Makarios' cabinet who had come to oppose the Archbishop and was suspected of being behind the plot to kill him.

Thus, when Zigdis made his statement in *Ethnos*, he was injecting his not very expert opinion into a very delicate situation. Further, it appeared that he was using the Cypriot problem as an excuse to call for the abolition of the present government.

The result was swift. Zigdis, two editors and the three publishers of *Ethnos* were jailed on charges "of spreading false rumors likely to cause alarm and despondency." They were tried before a military court, declared their innocence and were found guilty of the charges. The sentences were unusually harsh, ranging from 13 months to five years in prison, with fines from over $6,000 to $10,000. On top of this, with its publishers and editorial staff unable to perform, *Ethnos* announced it was suspending publication.

Press reports and editorials in the United States and in Western Europe were bitterly critical. There was no freedom of the press in Greece, it was charged, and anyone who dared to speak out for democracy would find himself behind bars. In Cyprus the trial was front-page news, as were the courtroom statements of Zigdis, who spoke forcefully about the abuse of his political rights, but said nothing about Cyprus, the issue over which he had made his claim.

Oddly enough, neither did news reports from Paris, Washington or New York. In fact, in all the news stories the issue of Cyprus was lost, the emphasis being placed instead on Zigdis' call for a return to parliamentary government.

Totally missed was the point that the Papadopoulos government also seeks a return to parliamentary rule and has been carefully and consistently working toward that goal. But with the situation in Cyprus once again at a point of violent eruption, the government would not tolerate the injection of the comments of a former minister of the leftist Papandreou regime into a matter whose sensitivity is known to all Greeks.

Cyprus has so many ingredients for trouble. Its Communist party, by percentage of population, is the largest in the Western world, including Italy. The Soviets have their eye on the island and have sent word that their Mediterranean fleet stands ready to assist should the occasion arise. Because of its location, Cyprus is of major strategic importance to both East and West, and its pastoral land only thinly veils enmities dating back to the 16th Century.

To the Greek government, Zigdis' statements and the newspaper's decision to publish them were irresponsible acts at a critical moment and it responded accordingly, not so much over the issue of democracy, but over Cyprus.

No one can condone the harshness of the sentences and no one can say that the press in Greece is totally free to involve itself in the foreign affairs of the state. The Greek government over-reacted against a major Athenian opposition newspaper and its staff. The move was a blunder which opened the government to legitimate criticism. Now it is hoped that, just as Theodorakis was permitted to leave the country, so, too, will the sentences of the convicted be commuted. (In fact, the sentence of one of the five has already been revoked.)

But bad as we judge the mistake from here, we can also ask, what government anywhere can cast the first stone when its decisions—or lack of them—are held up to public scrutiny?

Take the Swedish government of Olof Palme, for example. It has led the attack against Greece working through the Socialist-directed Council of Europe and by supplying the exile leftist politician, Andreas Papandreou, with funds to carry on his unsuccessful intriguing.

Recently Sweden's foreign minister, Torsten Nilsson, declared Greece to be a police state. But what kind of state is his own—its prime minister elected by acclamation,

its courts granting asylum to U.S. deserters, its Parliament voting monetary aid and diplomatic recognition to the North Vietnamese and its Socialist politicians ranting against U.S. action at home and abroad but strangely silent on Soviet and Chinese Communist behavior anywhere, including the invasion of Czechoslovakia?

"TORTURE" CHARGES REFUTED

If Sweden can be held up to the same mirror it tries to hold up to Greece, so can the 15 countries of the Council of Europe who have voted to condemn Greece on findings made by the Council's Human Rights Commission in its 1,200-page report, charging "torture as an administrative practice of the Greek government."

These charges, though supposedly secret, were purposely leaked by the Council to the press in December. Now they have been released in full to the glaring headlines of "Torture in Greece."

The findings are so much hogwash. Investigations made by the International Red Cross and a British all-party team found no substance to the charges.

A State Department officer pointed out, when queried on the latest headlines, "If the IRC believed that torture was being carried out by the Greek government, it would not continue to keep its people on the scene."

The commission reached its damning conclusion on the basis of the testimony of exactly 11 individuals. One of those who claimed to have been tortured later confessed he had done so literally at the point of a gun, being held hostage by exiled Greek Communists. Another, according to the State Department, announced he had never testified at all.

Lost amidst the glaring accusations is the fact that it was the Greek government that permitted the commission's 18 members to come to Athens in the first place, and it was this same so-called dictatorial regime that put 200 political prisoners at the commission's disposal. It would be interesting to know how many of the Council's member countries would have been so obliging under the same circumstances.

As for the investigators, their method of operation gives an indication of their attitude. During their 13 days of arduous research in Greece, they were domiciled at the Astir Palace Hotel, Athens' newest and poshest vacation spot. Located about an hour outside the city, in the beach suburb of Vouliagmeni, the Astir Palace offers a most delightful setting by the sea, and as a place to rest, no one could ask for anything more, but as a diligent team of investigators out to prove torture . . .?

With regard to the open-mindedness of the hard-working commissioners, one evening a group of them descended to the hotel's lower-level dining room. Here, the diners were being entertained by a gifted young composer. The music was gay and the diners, in typical Greek fashion, were having a great time, singing and clapping and enjoying themselves.

The investigators summoned the hotel manager and angrily accused him of having staged the scene, maintaining that the diners were simply performers putting on an act for their benefit.

The conclusion of the Human Rights Commission that "torture is an administrative practice of the Greek government" is about as valid as proclaiming that police brutality is an administrative practice of the Nixon Administration.

The third crucial event in recent months took place before, during and after the *Ethnos* case and it, too, was a trial. Thirty-four members of an organization calling itself "Democratic Defence" had been charged with sedition and, here again, to read about the case in the liberal press one would have thought the accused were perfectly justified in their efforts.

The New York *Times* referred to them as "distinguished Athenians," and in its April 5 edition, the *International Herald Tribune* said that the accused "printed leaflets and campaigned for a return to democratic rule in Greece," failing to mention that the use of bombs was the principal method of campaigning.

In another story, the New York *Times* mentioned that a defense witness said the bombs were no more than firecrackers to attract attention, neglecting to point out that the leader of the group, Prof. Dyonisos Karayorgas, had been arrested in June 1969 when one of the "firecrackers" he was holding exploded and blew off his right hand, injuring his face as well. Thirteen time bombs were found in his possession.

Among other tourist spots, the Hilton hotel was one of the buildings at which bombs were exploded to help bring down the regime. This fact was also ignored in similar press accounts of the proceedings.

What was featured in the stories was the belief that those found guilty would receive the death penalty. No one did. Seven of the 34 were acquitted and seven others were given suspended sentences, but the thrust of the liberal press coverage throughout was that it was the Greek government on trial, not the bombmakers.

As further evidence of press bias, two announcements made by Prime Minister Papadopoulos on April 10 were either given scant attention or attacked as being the results of outside pressure. There is little doubt, in fact, that every move the Greek government now makes in its planned return to parliamentary government will be clarioned by the editorial writers of the New York *Times*, and their ilk, as being the efforts of leftist pressure from without.

One of the prime minister's announcements concerned the release of 350 political prisoners leaving approximately 1,100 still behind bars and the other declared the restoration of Article 10 of the Constitution, which protects citizens against arbitrary arrest.

Full freedom is returning to Greece according to plan. Greeks to whom I have spoken accept and believe that. They are not fools, knaves or puppets, and they understand the meaning of freedom better than most, having had to fight for it three times in the past 25 years. In my interview with Prime Minister Papadopoulos, he concluded with these words about the future of Greece:

"Here we believe in the formation of a state able to live according to the Constitution voted by the people. We are teaching this in our schools and doing our best to impart this philosophy to the public so as to enable it to live within the new state promised by the Constitution.

"Either the outside world will accept that we mean what we say, or they will consider that we are madmen, doing our best to train the public in something that we ourselves are against.

"We have not come to our job as politicians, but as dedicated Greeks, determined to prevent our country from sliding into the abyss. We have made some progress; we will continue to make more."

On letters mailed from Greece is stamped the message: "Come to Greece and Learn the Truth." This summer approximately two million tourists will go to Greece and presumably do just that. It is hoped that Reps. Don Edwards (D.-Calif.), Donald M. Fraser (D.-Minn.) and John Conyers (D.-Mich.), as well as Sen. Stephen M. Young (D.-Ohio), will take time off from inserting the critical remarks of other non-travelers to Greece into the *Congressional Record* and join these tourists for some truth-seeking themselves.

THE FUTURE OF SOCIAL SECURITY

Mr. TOWER. Mr. President, on April 14, Robert J. Myers, the Chief Actuary of the Social Security Administration, submitted his resignation to the Secretary of Health, Education, and Welfare. The loss of Dr. Myers' talents will be sorely felt, and the circumstances of his resignation have caused me considerable concern.

In an interview published in Nation's Business for March, Dr. Myers warned that continued expansion of the social security program would radically transform the original concept of the system and have serious indirect effects upon the economy and the Federal budget. Mr. President, I request that the text of this interview be printed in the RECORD at the conclusion of my remarks. Dr. Myers was especially concerned over the actions of certain social security officials who have been working in direct opposition to the expressed philosophy of the Nixon administration. While commending the President's social security proposals as a "progressive, forward step," soundly financed, he denounced those who, contrary to the views of the President, seek to enlarge the program and eliminate all private enterprise participation in the economic security area. In his letter to Secretary Finch, Dr. Myers stated that:

> It is my deeply held conviction . . . that these officials of the Social Security Administration have not—and will not—faithfully and vigorously serve the Nixon Administration. Rather, he said, they will exert their efforts to expand the Social Security program as much as possible by aiding and supporting any individuals and organizations that are of this expansionist conviction.

Mr. President, the social security program is at a crossroads. The so-called "expansionists" would increase cash benefit payments to a level sufficient to replace virtually the entire take-home earnings of 90 to 95 percent of the Nation's workers in the event of retirement because of old age or disability. The expansionists would also like to see all medical service either furnished directly by the Government, or paid by the Government. Under such a philosophy, Government would take over the entire job of providing economic security for the Nation's retired workers. Private insurance would have no role in such a system.

Mr. President, I believe that expansion of the social security program to this degree would be unwise. Philosophically I do not feel that the Government should have such a monopolistic influence; from a pragmatic standpoint, and on the basis of the past history of Government involvement in this area, I do not believe such expansion would represent an improvement. In his interview in Nation's Business, Dr. Myers discussed the results that would likely follow an over-expansion of social security. In personal terms, such a policy would have an adverse effect upon the freedom and individual responsibility of the American worker, resulting in more and more dependence upon the Government.

In economic terms, a decrease in private savings and insurance would alter radically the general investment market

as we know it today. Without this source of financing, the needs of industry would, of necessity, have to be met by government, with its attendant redtape and control. Such action would also increase the amount of uncontrollable spending in the Federal budget, further restricting our fiscal flexibility.

Dr. Myers warns that such over-expansion of social security may result in drawbacks far exceeding the benefits gained. He is concerned that too many people believe that this is the only course that the program can take, and that alternatives to such a policy have not been adequately discussed. The American people should understand that increases in benefits must be accompanied by increases in taxes. We in the Congress have a responsibility to the American people to actively discuss the alternatives to runaway expansion of the social security program. I support the social security program. Dr. Myers, however, points out that the role of the program should be to provide a basic floor of economic protection, not an all-encompassing program of economic support. I concur in this viewpoint. There remains to be a vital role for private insurance, pension plans, and personal savings in providing economic security for the retired worker. Dr. Myers is a wise and experienced career civil servant. He has been Chief Actuary of social security since 1947. His counsel should not be ignored. The Finance Committee has just begun hearings on the House-passed Social Security Amendments of 1970. All of us in the Senate should familiarize ourselves with Dr. Myers' remarks, in anticipation of the upcoming discussion of social security.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Texas?

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

RUNAWAY EXPANSION OF SOCIAL SECURITY

Congress is taking another look at the Social Security program, along with the Administration's welfare proposal.

Robert J. Myers, a career civil servant in that program for more than 35 years and the Social Security Administration's longtime chief actuary, is a vigorous supporter of the program's role in economic security.

But, in this interview with NATION'S BUSINESS, he warns that mounting pressures for a huge enlargement of the program could radically transform the whole concept of the system, producing a federal near-monopoly in the pension field. He is concerned that the possible consequences of any such change be fully understood—in terms of cost, greater dependency of the individual on the federal government and undue government expansion.

Dr. Myers also warns there's another side of the bigger benefits coin: higher taxes.

You have expressed concern over the future direction of the Social Security program. What is the basis of your concern?

Too many people believe there is only one possible course for Social Security, namely, to expand the benefits until they take care of the entire economic security needs of the vast majority of the population. I do not believe other possible routes for the development of the program have been adequately put forth to the American people. I am expressing my views now so as to bring the discussion on both sides out into the open, so there can be orderly consideration of the matter:

Would you describe what's involved as a runaway expansion of Social Security?

To date, I would say there has not been any runaway expansion, but I believe that in the next few years those who advocate great expansion of the program—even runaway expansion—will be pressing their views more and more strongly, particularly if additional federal funds become available through the cessation of the war in Viet Nam.

How would you describe the ultimate goals of those who would expand the program?

They want a cash benefit level sufficient to replace virtually the entire take-home earnings of 90 to 95 per cent of the workers in the event the person retires because of old age or becomes disabled, or, in the event he dies, for his family.

The expansionists also would like to see all medical services paid for or furnished directly by the government, which you might say is socialized medicine, or else they would want a system of nationalized health insurance very much as is the case in Britain.

What would the government's role be then in the area of economic security?

It would be to take over the entire field. There would be virtually no role for the private sector, other than for the few very-highest-income people, and there would be no need for any forms of private insurance, private pension plans or private savings.

Through what steps would the expansionists' goals be achieved?

From a legislative standpoint, through the ratchet approach. Every step would be irreversible, and they would keep moving further and further.

Specifically, the real first step is to increase the maximum taxable earnings base under Social Security from the present level of $7,800 per year up to something like $15,000, $18,000 or even $20,000 in the near future, so as to cover the total earnings of practically all persons under Social Security. Then they would push toward raising the benefit level so that a person's benefits would be 60 to 80 per cent of his gross pay, and thus about equal to his take-home pay.

The painful question of financing would be largely hidden, so that people—particularly the younger and middle-aged workers, who might want to spend their money some other way—would not realize how costly it was. Specifically, the expansionists would finance a large portion of these changes through government subsidy, from general revenues.

It has also been suggested by one prominent expansionist, Wilbur J. Cohen, the last Secretary of Health, Education, and Welfare in the Johnson Administration, that employers should pay twice the rate that the employee pays, instead of on the equal matching basis that has been in effect since the program started.

Would federal subsidizing from general revenues be started all in one stroke?

No. The expansionists would follow the approach of gradualism because their real intent is to have a government subsidy of at least 50 per cent of the total taxes that the employers and employees pay.

If this were done all at one time it would mean an additional $15 to $20 billion a year, currently, which would be quite difficult to achieve. Instead, many expansionists propose to take a little bite at a time.

The first year they would have a government subsidy of 5 per cent of total taxes and the next year 10 per cent, building up eventually to 50 per cent or more. That way they think it would be painless.

Would the biggest single step be establishment of the principle of general revenue contribution?

Yes, I think that is very well put. You first establish a principle that does not seem to have much cost and then you say: "Well, now that the principle has been established, let's really build on it."

Is there any likelihood that this would endanger the economic system?

I am more concerned that the issue is not clearly put forth before the American public, that people understand that expansion of the Social Security system does not mean just more benefits but also, on the other side of the coin, more taxes. I think it also can produce very serious effects upon our national economy and our national psychology.

What would these effects be?

In the long run, people would feel more and more dependent on the government and less and less really free and individually responsible.

There are also some very serious side effects. If all private forms of savings and insurance were diminished, this would have a great effect on the general investment market. The private pension plans have over $100 billion in assets; insurance companies have large amounts of assets, too.

If industry needed money to expand and there were not this source of financing, there would be only one source, the government; and when the government grants loans, the element of control naturally enters.

More concretely, what would a sharp increase in the tax base mean to individual companies, say in terms of costs?

The tax burden would fall quite differently on different types of businesses. Obviously, it would not increase very much for a business that employed workers in the intermediate range of $6,000 or $7,000 per year and had only a few high-paid people; but in another type of industry, where the workers all were skilled and getting $10,000 to $14,000 a year, then it would increase very much. On the average, to go up to $15,000 as the taxable base would increase the tax burden of the workers and the employers by about 10 per cent.

Of course, the expansionists would solve this problem of unequal treatment of different employers very simply. They say tax the employer on his entire payroll; just put a maximum ceiling on the employee's tax.

Secretary Cohen left a pile of documents just as he was going out of office in which he said, among many other expansions, he would eliminate the maximum tax base on the employer so he'd pay on the full salary of each employee; second, he would double the employer tax rate relative to the employee rate, and, third, he would introduce government subsidies.

The subsidy would have to be financed somehow, and undoubtedly much of it would come from taxes on employers, although in the end these come down to the individual citizens. Employers cannot manufacture tax money out of thin air; they have to get it from sales of products.

What is this likely to mean in terms of rigidity of the federal budget? Every time they try to reduce spending, we hear about the high level of "uncontrollable" expenses.

This, of course, would be a very significant move much further in this direction, because certainly Social Security benefits are a cost that nobody in the Executive branch can put any control on.

What are the objections to private pension plans?

The expansionists believe that the government should take care of people and there should not be any inequities, which really means everybody should get the same. They say that some people get private pensions and others do not and that this is unfair, and they imply that, therefore, government should be the great equalizer.

Weren't there similar complaints about health insurance?

Yes, in the mid-Forties, when there was a big push for a national health insurance

program administered by the government, the expansionists of those days were saying that private health insurance could never really take care of a very large proportion of the population. Yet we all know now that well over 80 per cent of the persons under age 65 are covered under some sort of private hospital insurance, and in almost all cases by quite an adequate plan.

In the same way, many people have been saying private pension plans just can't do the job. Actually, these plans are now doing a good job, and as the years go by they will probably do much more successfully the job they are intended to do. So it is entirely a matter of philosophy, and I think the expansionists will be proved factually wrong again as more people qualify for private pension plans and as those plans are improved and extended.

In your view, what is the proper long-range role of Social Security?

I want to make it very clear that I do not believe the program should stand absolutely still. It must recognize changing economic conditions, changing price levels and so forth. If new problems come up, Social Security must be flexible. But my point is that Social Security should provide a basic floor of economic protection, as it has, and there should be plenty of room for people to build on, either individually or collectively, to provide additional economic security.

"Floor of protection." What does that mean?

That means that if the vast majority of people can get along economically with what they have saved, with their home ownership, with private pensions and with Social Security benefits as the base on which all the rest has been built, then the system is performing adequately. Similarly, this means that if only a small proportion—say, 10 per cent—need supplementary public assistance, then the Social Security benefit level is adequate. And this is what the situation actually is now!

What currently is the ratio between the average monthly benefit and take-home pay?

The average benefit for a retired worker is about $115 per month, which may seem very low compared to the average wage of workers currently. However, this average is pulled down by quite a number of factors, such as that many people have qualified for relatively low benefits because of having been only part-time in the labor force, and that persons who retired before 65 have actuarially-reduced benefits.

I think the best comparison is to take a worker who is currently retiring at age 65 and who has been a more or less full-time worker. His benefit will be somewhere around one third of his average wage, and if he has a wife he would get up to about one half.

How about the proper principle of financing?

The principle that has been followed in the past, namely, that the system should be financed completely from the taxes of the employers and employees, is very desirable because it makes the cost quite apparent to everybody concerned. If government subsidy is introduced, then the system appears much less costly, with money—in a sense—that the people know what government is costing them, what they can expect from government, and what are their responsibilities as well as their rights.

Once you drop this financing principle, what happens?

I am afraid that the system would deteriorate in many ways. Beneficiaries would always want more benefits, and workers would not realize what they were paying. I think the expansionists see this, and they realize that at the moment many young and middle-aged workers are rebelling against increased tax rates. So the only way to reach their goal is to inject hidden money into the system.

Aside from Wilbur Cohen—and he's out of office—where is this big expansionist push coming from?

Well, outside of government, the pressure comes from the labor movement, such as the AFL–CIO and the United Auto Workers. It also comes from many of the social welfare groups and from certain lobbying organizations set up for senior citizen groups.

Another place where there are expansionists is in the government itself. There are, I think, many among Social Security Administration officials and staff members, and in some ways this is quite natural. Whatever activity you are engaged in, you always want it to be bigger and better. Then, too, the top staff was largely employed during the early days of the program and has grown up with it and tends to have this expansionist philosophy.

The political appointees who formulate Social Security policy by directing research and program evaluation have been retained by the present Administration.

I do not think that most such Social Security Administration employees take the balanced view that they are also working for the contributors. Of course, I believe in Social Security myself, but I believe it has a single role and not an all-encompassing one.

In my opinion, the vast majority of the people over 65 are quite satisfied with their Social Security benefits. Like the rest of us, they would like more money, but I believe they feel that Social Security has been quite a good deal. Of course, the ones you always hear about are the ones who say: "We want more so as to have all the luxuries of life," without realizing that this is not the purpose of the program.

Your perspective is slightly different, isn't it, in that you are an actuary?

Well, that's true. An actuary has to look at both sides of the situation. Some people will just look at the benefits side and say this is a good, noble cause—which it is—and say: "If it is good, let us have more of it," without realizing it has to be paid for.

I would not want to say that everybody in the Social Security Administration feels this way, or that those who do are the only ones in the federal government; but I think many of them always have had this personal philosophy. I do not say it is evil; I just say it is wrong. And this tends to be self-perpetuating, through the selection for promotion or hiring at the highest grades of people of like philosophy.

An inter-agency group was formed during the Johnson Administration to consider private pension plans, and most people on it were, I think, really opposed to private pension plans or, at best, lukewarm about them, because they had the philosophy of the government providing full economic security for the vast majority of people. So it was a case of the fox guarding the henhouse.

How about Capitol Hill?

Over the years, Congress has, on the whole, been very responsible, largely due to the committees involved, namely House Ways and Means and Senate Finance. Both are tax-writing committees, so they are quite cognizant of the who-pays aspect as well as the who-gets aspect.

Of course, some people in Congress believe very strongly that the program ought to be greatly expanded and, without explaining quite why, that the government ought to provide all people with full economic protection.

Isn't a lot of this embodied in a bill pending before Ways and Means?

There are a number of such bills, but I suppose you are referring to the one introduced by Congressman Gilbert of New York, who, when he introduced it, announced he was doing so with the support of the AFL–CIO and the National Council of Senior Citizens, which is an organization of persons over 65 that has been sponsored by the AFL–CIO.

This bill would be a very big step in the direction of expansionism because, among other things, it would increase the earnings base to $15,000, introduce a gradual government subsidy and increase benefits about 50 per cent. But it would leave out some proposals I mentioned, such as eliminating the maximum earnings base for the employers so they'd pay on their entire payroll, and it would not double the employer tax rate.

When Congress passed the 15 per cent benefit increase, as against the President's recommended 10 per cent, did that strike you as a sign of things to come?

I would not say so, necessarily. It was a bit more than the President recommended, and expansionists are trying for more in this session of Congress. But the real push is coming in the next few years. When the war ends, there will apparently be excess money available unless taxes are reduced. The expansionists will say: "Keep up the tax level and give us some of the money for a government subsidy to the Social Security program."

How would you summarize the Nixon Administration's position?

In my opinion, its proposals are definitely of the moderate school. Its views are "Let's take this out of politics. Let's make the benefits automatically adjusted, according to the changes in the cost of living, according to economic conditions, so that we do not get into a bargaining position every time legislation is considered."

You recall, when the President signed the bill with the 15 per cent increase, he pointed out that it would have been much better to have what he had originally proposed, a 10 per cent benefit increase now plus a guarantee to keep benefits up to date with the cost of living by future automatic adjustments.

TESTIMONY ON BIG THICKET IN SENATE HEARING AT BEAUMONT, TEX.

Mr. YARBOROUGH. Mr. President, on Friday, June 12, 1970, field hearings were held on S. 4, my bill to establish a 100,000-acre Big Thicket National Park. The distinguished senior Senator from Nevada (Mr. BIBLE), chairman of the Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, conducted these hearings.

Senator BIBLE again demonstrated his great concern for preserving the Nation's natural heritage and also demonstrated his outstanding ability to conduct such hearings in a fair, efficient, and expeditious manner. On behalf of the people of Texas, I wish to extend to Senator BIBLE our thanks, gratitude, and appreciation for his holding these hearings and for the outstanding manner in which he conducted them. He afforded all witnesses the opportunity to present their views in full detail, while still observing a very demanding schedule which began at 8 a.m. and did not conclude until 8 p.m. The hearings were held from 8 a.m. until 3 p.m., and then a 5-hour tour of the Big Thicket by helicopter and automobile was conducted, which lasted until 8 p.m.

Mr. President, testimony at the hearings on the Big Thicket showed that vast

areas of beauty and unique scientific and recreational value still exist in the Big Thicket. While civilization's advance is rapidly encroaching upon the virgin wilderness of the Big Thicket, there is still much to be saved.

More than 60,000 acres of virgin hardwood forests still remain in one area of the Neches River flood plain. Some 40,000 acres of beautiful forests remain in the Saratoga tract in Hardin County bounded by Highways 326, 105, and 770. Thousands of other acres of hardwood forests are found along the scenic riverways of the Big Thicket. These thousands of acres are in addition to the outstanding areas already designated as worthy of preservation in the "string of pearls" proposal upon which everyone is in agreement. The "pearls" of the Thicket include the Profile unit along Menard Creek of 15,499 acres; the Loblolly unit of 548 acres; the Palmetto unit of 762 acres; the Hickory Creek Savannah unit of 668 acres; the Beaumont unit of 5,137 acres; the Neches bottom unit of 3,320 acres; Jo's Lake unit of 3,781 acres; the Beech Creek unit of 4,856 acres; and the Clear Fork Bog unit of 401 acres.

Preservation of 100,000 acres of this beautiful area is a very modest and reasonable proposal. The preservation of these areas will not be detrimental to the lumber industry in the area which is primarily concerned with the production of pulp from pine trees. There exists extensive lands suitable for this production of pine without ruining the virgin hardwood forests.

The hearings on the Big Thicket National Park were a significant and encouraging legislative step toward accomplishing a long-sought goal. Since 1966 I have sought to preserve the Big Thicket for the enjoyment and education of all present and future citizens of this Nation. These are the first legislative hearings ever conducted on this proposal.

It was a great pleasure for me to have the opportunity to testify at these hearings on my bill. I would like to share my views on the need for the Big Ticket National Park with my colleagues.

Mr. President, I ask unanimous consent that my testimony on S. 4, before Senator BIBLE's Subcommittee on Parks and Recreation of the Committee on Interior and Insular Affairs, at the hearings held in Beaumont, Tex., on June 12, 1970, be printed in the RECORD.

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

STATEMENT OF SENATOR RALPH W. YARBOROUGH

Mr. Chairman, it is a great pleasure to testify on my bill to establish a Big Thicket National Park. I request consent of the committee that my bill, S. 4, be printed at this point in the RECORD.

Mr. Chairman, this is a great day and a long awaited event for me. Being here in Beaumont, in my native East Texas, on the Neches River by whose banks I grew up, and testifying on my bill to establish a Big Thicket National Park, is a long-anticipated pleasure.

As a boy, I grew up in East Texas, between the Neches River and Kickapoo Creek in Henderson County, on the western edge of the eastern timber zone. That was my place of residence until I was 24 years of age. I watched the pileated woodpecker hammer away a big tree, saw the great flights of geese and ducks and blackbirds that filled the skies fifty years ago, hour after hour as they migrated in the Mississippi flyway. I marvelled as a boy at their numbers, these great numbers are gone today. The turtles, snakes, frogs, and alligators were near the borders of our sloughs and ponds, the gar and trout were near their surfaces. Herons, egrets and cranes waded the shores or perched on lookout points. Kingfishers and water turkeys sat on the bare boughs of dead trees over the water, more patient than human fishermen. The virgin hardwood forest was unfenced. I roamed these woods with only my fish hooks and dogs, watched the birds and fished for catfish and perch.

The forest fed me, with wild plums and mulberries in spring and summer, grapes in abundance in summer and fall, muscadines and persimmons, red haws and black haws, chinquapins and hickory nuts, mayhaws and the kernels of nettles. I ate from the field and forest and fried my fish on the river bank, carrying only salt with me. As I sat alone on the bank of spring branches or creeks and rivers, and fished and watched the birds and other wildlife, as free as an Indian boy, except for my store bought clothes, the wind rustled the leaves of trees, and I imagined, as a boy will, that the trees were talking to me. But the trees seemed to be saying Indian words, like I had read from Hiawatha, that I did not quite understand. Now I understand that they were crying out for the salvation of our trees, wildlife and rich heritage.

Now a fenced-up America has ended wild, free, open and uncrowded woods forever. I have worked for years to help save a part of this heritage, in the hopes that many generations yet to come can catch a glimpse of some part of the continent as it was when our ancestors first saw it. I feel akin to the things that I saw, hunted, lived with and loved in these East Texas woods a half century ago.

The feeling I have for this area is a very close and personal one, but the need to preserve its unique and varied beauty is founded on much more than one man's reminiscences. The Big Thicket is rich in plantlife, wildlife, history and culture. It is a great living treasure of nature which we cannot afford to let be killed. The people here today to testify will provide many details and reasons why the Big Thicket must be preserved.

This opportunity to preserve and make available for viewing one of the world's great remaining undestroyed natural living botanical developments and ecological wonder areas in my native East Texas means a great deal to me. The Big Thicket once extended over twelve Southeast Texas counties, covering about 3½ million acres. It has now shrunk to far less than four counties or parts of counties in area, or about 300,000 acres, in the face of the cutting and killing edge of advancing civilization. The urgency of preserving a portion of this magnificent forest of sandy soil and rolling terrain, with its rich wildlife, its tremendous variety of flowering trees, flowers and other native plants, has been sounded again and again. But man's relentless tendency to destroy that which is beautiful has not yet been halted.

For too many years this nation has counted its blessings in bounteous natural resources, without pausing to consider the future. Our natural resources have been the firm foundation for the nation's marvelous industrial structure which is the wonder of the entire world and a standard of living which is the envy of all.

Only recently have we begun to recognize and realize that there is a limit to all good things. Some of our natural resources are seen not to be limitless, but in some cases, to be reaching the stringent limitation of scarcity. The population explosion has over 205,000,000 Americans crowding the parks, lakes, rivers and scenic areas, gasping for fresh air, clean water, and a view of the primitive natural America that was. One of our most pressing obligations is to insure that our natural resources are sufficient, not only for our generation, but for those yet to come.

As the nation becomes more crowded and the vast majority of citizens live and work within the urban areas, the demand for a quiet, natural place for relaxation, recreation, and spiritual restoration becomes far more acute. There are over three and one half million people who live within 100 miles of the Big Thicket, and over 13 million within 250 miles, an easy day's drive. These millions of people, and millions of more throughout the nation, need natural recreation areas and are seeking places where they can enjoy the relaxing influence of a quiet forest, or a tree shaded place by running waters, filled with the wonders of nature.

Mr. Chairman, I originally introduced a bill substantially the same as this one in October of 1966, as S. 3929 of the 89th Congress, and reintroduced it again in January 1967, as S. 4 of the 90th Congress. It was presented as an integral part of my overall agenda for the conservation and preservation of our natural resources, and it followed the establishment of the Padre Island National Seashore in 1962 and the Guadalupe Mountains National Park in 1966. In this 91st Congress, this bill, S. 4, is the highest priority item on my conservation agenda, as it is on the agenda of many conservation organizations in Texas and the nation.

Since the introduction of the original bill in 1966, I have received a vast amount of support for such legislation. There is substantial agreement in all quarters that some form of preservation of the Big Thicket is needed—indeed, imperative. There is great concern that immediate action be taken to preserve at least some of this area, thereby saving a portion of one of the most stimulating and unique of our wilderness areas.

The Big Thicket is a beautiful and unique area of heavy rainfall and dense vegetation, which covers parts of Hardin, Polk, Tyler, Liberty, and San Jacinto Counties, near Beaumont, Texas. It is one of our country's most valuable regions of biological and ecological development. Until recently, this portion of the Texas gulf plains has remained an unspoiled refuge for rare species of plant and animal life. However, increasing development and exploitation of the area now threatens the existence of the Big Thicket as an identifiable ecological unity.

When first seen by Europeans, the Big Thicket, a forest barrier to pioneer travel, contained about 3½ million acres. Forty years ago, logging and agriculture had cut that original acreage to one and a half million acres. Now only a few hundred thousand acres remain; probably a 10 percent remnant of one of the most unique growths and areas in Texas.

Time is running out. We simply do not have the luxury to deal leisurely with this matter—or with any matter that concerns conservation of our natural resources. The Big Thicket is vanishing at the rate of some 50 acres per day. That does not leave us much time. And, we must remember, once we have depleted and destroyed the natural beauty of our wilderness, we can never again replace it. The process is—tragically—irreversible.

I have personally traveled through the Big Thicket area, viewing its huge trees and dense undergrowth at firsthand. The many rare and beautiful birds; water, land, trees, and air birds, including possibly the last ivory-billed woodpecker, over 300 species of birds in all; the wild animals such as the deer and wildcat; the fast vanishing alliga-

tor; plants, including the exotic wild orchids, azaleas, and gardenias—all make it a wonderful sight to behold. Its sloughs and creeks, magnolia trees, palmettos, and water plants create an aura of the primeval beginning of our world.

Four of the five carnivorous plants found in North America are in this Big Thicket. The largest living examples of three different species of American trees are found there. Sugar maples, and white beech from the far north, relics and residents left behind by the Ice Age grow here alongside sweet bay trees, flowering magnolias, 40-foot high wild peach trees, and flowering shrubs, climbing vines, and clinging Spanish moss.

As a whole, this unique phenomenon of ecological unity is irreplaceable but it will be lost forever unless immediate action is taken to preserve its many treasures for future generations to see.

Mr. Chairman, the proposal before this committee is to establish a Big Thicket National Park of at least 100,000 acres. A variety of other proposals have been submitted and will be discussed, among them the "string of pearls" proposal of about 35,000 acres. The primary argument for a small park—or no park at all—is that the economy of the area cannot afford to set aside such a large area. This argument is fallacious and based on unwarranted assumptions.

The implication of these arguments is that by designating an area a national park, it is forever closed to productive economic use. As a matter of fact, our national parks are extremely valuable economic entities in our nation's economy and a national park has a tremendously favorable economic impact upon the particular area in which it is located.

In a recent study sponsored by the National Park Service, conducted by Dr. Ernst S. Swanson, "Travel and the National Parks: An Economic Study" (1969), these conclusions were reached:

"The computations made show that national parks contribute as much as $6.4 billion to the sales of a multitude of firms throughout the nation. From this amount, personal income of $4,762,530,000 is generated . . . . Travel to the National Park System resulted in $952 million in taxes for the Federal Government in 1967."

"There results do not represent the further indirect effects upon regions in which National parks are located. *Over a period, other spending results from expansion of local activities directed toward creating attractions in addition to natural beauties and wonders of the region.*"

As an example, specialized provisions for hunting, fishing, boating, swimming, picnicking, and sightseeing on Indian Reservations are often undertaken through the stimulus of the flow of visitors to National parks. The study relates that economists in Colorado estimate that over $1.2 billion is generated from hunting and fishing alone.

The study concludes its summary with this comment:

"The National Park System with appropriations of around $102 million contributes at least 45 times this amount to the American people in the way of increased income—or more than 55 times the appropriations when income is stated as gross national product. Add to such amounts the indeterminable but probably large values growing out of the culture and historical contributions, as well as the stimulation of economic growth, we then see in our National Park System an asset structure few others may eclipse."

Another recent study prepared for the National Park Service is even more pertinent to the proposal before us today. This report is by Dr. William B. Beyers, *An Economic Impact Study of Mt. Rainier and Olympic National Parks,* February, 1970. These are rugged, forested areas and are probably comparable to the Big Thicket National Park in their attraction to visitors. The Big Thicket, of course, would have a much longer tourist season because of the favorable climate.

It was found that in 1968 visitors to these two parks spent $36.2 million dollars, $30.9 million of which was spent in Washington State. The two parks combined supported the annual equivalent of 4,800 jobs.

The study reported:

"In summary, these analyses indicated our National Parks, which were set aside as preserves for some of our most magnificent natural environments, also are of significant importance to our economy. In this growing nation, with increased leisure, affluence, population, and mobility, these Parklands probably will have an even more important economic impact and social value in the future, if we are able to preserve those qualities of Park landscapes which today attracts so many visitors . . . The magnitude of the impacts measured in this study suggests that it is economically desirable to be *sure* that we preserve our National Parklands for the benefit and enjoyment of future generations."

A recent study of Deep East Texas commented on the economy of the area:

"The Deep East Texas area being mostly rural in nature, has not received much economic benefit from the tremendous economic growth the state has experienced since World War II. Actually, this area has experienced a decline due to the vast migration of workers to the metropolitan areas."

The study also stated on page 16:

"Population in the Deep East Texas area will remain stable as long as there are the same number of jobs for people to gain their subsistence from. No community can grow without additional demands for employment. This area is beautiful, peaceful, and a very enjoyable place to live, work, to rear a family and to achieve educational, cultural, and social satisfaction. However, until such time as there are many jobs made available in the area, there will be no population increase." Deep East Texas Development Council, "Comprehensive Water and Sewer Plan," 1970.

Rather than injuring the economy of the area, based upon these studies, it is clear that having a national park in the area would give it a much needed boost, and would help in the development of a broader and stronger economic base rather than one founded primarily on lumbering.

Studies conducted for the National Park Service show that National Parks are a tremendously valuable asset in economic terms alone, aside from their esthetic and social values. Any argument that a 100,000 acre park will injure the economy is refuted by these facts.

This is a very modest proposal and the 100,000 acre figure must be seen in proper perspective. This represents only 3.3 per cent of the acreage of those countries affected.

The Big Thicket National Park has obtained tremendous support from many individuals and organizations.

The Big Thicket is a valuable and unique national treasure. The time to act to save it is here. Establishing this park is a very sound investment in our future and in the quality of life for future generations.

Mr. Chairman, the creation of the Big Thicket National Park is not primarily to benefit the plants, mammals, birds, reptiles, flowers, and other wild living things there; the park is for people, for people's lives to be enriched by the wild things they thrill to hear, see, smell, and sometimes taste and touch. The issue over this park is pulpwood versus the people. The issue is not taxes or profits, because if we create this park there will be more taxes, from the surrounding business that will grow up to support the steady tourist trade, than from an occasional crop of pulpwood, and there will be far more total profit for far more people who serve the coming tide of tourism, than the total profits of the few who must wait for years to harvest a crop of pulpood. This park will provide a new crop of tourists each year, without damage to the area, instead of having to wait 10 years for each crop of pulpwood.

If we decrease the motivation for creation of the park to a cold dollar and cents taxes and profits proposition, there are more taxes and profits for the counties involved in the creation of a National Park than in being condemned to a virtual no-growth pulpwood economy. It is pulpwood against the people and the things people have, and rights and justice demand that the people win.

CHESAPEAKE & OHIO CANAL NATIONAL HISTORICAL PARK LEGISLATION ENDORSED

Mr. MATHIAS. Mr. President, one very welcome piece of good news recently was the administration's strong endorsement of legislation to create the Chesapeake & Ohio Canal National Historical Park. Interior Secretary Walter J. Hickel's favorable report on this legislation was personally gratifying to me, since I have been sponsoring such bills for a full decade and have introduced the measure—S. 1859—now pending before the Committee on Interior and Insular Affairs. The Secretary's action was also most encouraging to the countless conservation groups, recreational associations, and individuals who have been urging for years that the historic canal should be restored and developed to its full potential for recreation.

The C. & O. Canal is one of the greatest recreational resources in the East—indeed, in the entire Nation. As the Washington Post noted in a recent editorial, the 185-mile canal "is an open door to green space" from the heart of the Nation's Capital. It is an ideal starting point for a real demonstration of recreational development and scenic preservation within easy reach of a major metropolitan area. It is the logical first step in expanding the recreational resources and preserving the scenic and natural heritage of the Potomac Valley.

I share the hope of the Washington Post that "Congress will not miss the opportunity" to enact the C. & O. Canal Park legislation this year. The Interior Department's formal endorsement of the bill should clear the way for congressional hearings, and I have asked the chairman of the Interior and Insular Affairs Committee and the chairman of the Subcommittee on Parks and Recreation to schedule public hearings on S. 1859 as soon as possible.

The Post editorial of May 30 is an excellent summary of the potential of the C. & O. Canal and the need for this legislation now. I ask unanimous consent that it be printed in the RECORD.

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

C. & O. HISTORICAL PARK AT LAST?

Secretary Hickel's endorsement of the bill to convert the Chesapeake and Ohio Canal into a national historical park is a bow to the art of the possible. The secretary has indicated on various occasions that he has great interest in cleaning up the Potomac River and dedication of its shores to scenic and

recreational use. No doubt the temptation was strong to ask Congress for funds to buy all the land that will be needed in the future for a major park along the Potomac. But the secretary was well aware of the opposition to such a project at this time and of the apathy in Congress. He has sensibly chosen to take a step at a time, and the logical first step is the enactment of the C & O Canal bill.

Washington is fortunate in having this thread-like park which stretches from Georgetown to Cumberland. It is an open door to green space, to woods and streams, to the habitat of birds and deer, to pleasant skies and a seemingly interminable winding trail—the towpath. In an era when we are increasingly concerned about our natural environment, it links the ghetto, the business district and the suburbs to the best wilderness that can be found in these parts. Most of what it has to offer is relief from hot streets and urban congestion, but the scenery at Great Falls and the region of the Paw Paw Tunnel bring it well within the national park category.

What is now proposed is that this National Monument be given the additional space and facilities needed to make it useful and enjoyable on a large scale. The 185-mile ribbon of land, including the old canal, now constitutes only 5,250 acres. The Mathias-Gude-Beall bill, now approved by the administration, with amendments, would expand the park to more than 20,000 acres, including 12,156 acres now in private ownership. The additional space is urgently required for picnicking, camping, parking, hiking and protection of scenic and recreational values. If this park can be brought to a high state of usefulness for an estimated outlay of $19,473,605 for land acquisition and $47 million for development, it will be a bargain of great significance to the community.

Enactment of the C & O Canal park bill at this session of Congress would be in line with the current emphasis on the expansion of recreational areas near the big cities. In the past Megalopolis has been denied its share of federal funds for open space and rejuvenative environment. The C & O Canal may well become an important demonstration of what can be done with scenic resources close to central population areas. We hope that Congress will not miss the opportunity.

EXECUTIVE AIRLINES LEADERSHIP

Mr. McINTYRE. Mr. President, initiative and foresight have been basic elements for progress in our Nation.

It is always a pleasure to be able to point to these attributes in one of our up and coming businesses.

Executive Airlines, a commuter airline service based in Boston, Mass., but serving many States in the Northeast, displays the kind of initiative that must be recognized. Executive Airlines has just been the subject of an article in the Air Transport World by Ansel Talbert regarding the leadership this airline has taken in providing ground training for its pilots. This training which is vital to the safety of an airline is being undertaken at the Link Training Center in Utica, New York.

It is expected that at some time in the not distant future the commuter airlines will be required by the Government to undergo such ground training. Executive Airlines, looking ahead, has not waited. It has moved.

Mr. President, I ask unanimous consent that the Air Transport World article about Executive Airlines and its vice president for operations, Terry Dennison, be printed in the RECORD.

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

COMMUTER TRAINING PROGRAM LOOKS GOOD

The heads of Mohawk Airlines' Edwin A. Link Training Center, and Executive Airlines' VP for operations, Terry Dennison, deserve congratulations for getting a new training program started. It's certain to have far-reaching effects on commuter airline safety and efficiency.

As of April 1, the FAA has been requiring commuter air carriers operating scheduled services, to have an initial ground training program and also carry out recurring ground training once a year.

Each captain must have an instrument flight check every six months.

Dennison and quite a few others in the commuter industry have sensed that it is likely to be only a matter of time before government regulatory agencies require the same standards of "third level" airlines as they do of trunk and regional carriers.

Dennison decided to get at the head of the parade and contacted Dave Hefferon and John Smart of the Link Training Center in Utica, N.Y.

This organization has specialized recently in offering training on the BAC–111 and the Fairchild F–227. But, Hefferon and Smart were greatly interested and visited Beech and de Havilland to get a better feel of the commuter equipment situation.

Result: The first initial training class for commuter operators of the Twin Otter already has been held, and a systems class refresher school for both Beech 99 and Twin Otter fleet personnel is next on the schedule.

The ground training costs $25 a day per person at Utica, and arrangements are underway to have flight instructors visit commuter carriers which don't want to do their own training.

The first five commuter airlines to sign contracts with the Link Training Center are Executive, Air North, Command Airways, Viking Airlines and Northern Airways. There has been such a rush of applications that the center has been forced to defer acceptance of many until it can secure some more top personnel.

Purchase of a Link GAT–2 turbine instrument simulator is in the works, and Mohawk and Ramada Inns are about to open a motel next door to the training center headquarters.

A good idea all around, and here's hoping it's crowned with the success it deserves!

THE MIDDLE EAST

Mr. TOWER. Mr. President, I read with great interest the remarks delivered on the Senate floor by the distinguished Senator from Oregon (Mr. HATFIELD) on June 16. In addition, the short colloquy between Senators HATFIELD, AIKEN, and HANSEN was most refreshing.

The compilation of the history of the Middle East which Senator HATFIELD placed in the CONGRESSIONAL RECORD should be read and studied by all Senators. It has been said many times before that current turmoil in the Middle East cannot be understood without a clear grasp and appreciation of the events which led to the situation now threatening world peace. I am afraid that it is this lack of historical appreciation which has contributed to the failures of past American policies to initiate action leading up to a settlement of this crisis situation.

I strongly feel that President Nixon in viewing the Middle East crisis in such a historical context. I applaud his diplomatic initiatives to encourage the lessening of tensions on both the part of the Arabs and Israelis. The United States cannot now be accused of instigating a situation comparable to that of June 1967. It is indeed sad that at a time when this Government outwardly seeks a peaceful settlement to the Arab-Israel situation, the Soviet Union promotes a policy whose obvious aims are quite to the contrary.

Recent Soviet endeavors in the Middle East must also be viewed in the context of a historical perspective. Acts of aggression across its Asian borders into the Middle East have been the longstanding policy of Russian governments, no matter what their makeup. Russia has always placed a higher foreign policy priority on the Middle East than the United States. This is a simple fact of history.

Now the Soviet Union has intensified its interests in the Middle East. The case can be made that the recent polarization on the part of both sides is directly attributed to the Soviet military build-up in many of the Arab countries. President Nixon has expressed his deep concern over recent Soviet action and has stated that the United States Government will take appropriate action to maintain a military balance of power in the Middle East. Therefore, any American assistance given to the state of Israel should be taken as a direct reaction to the policies of the Soviet Union.

As we all know, the President of the United States is an astute reader of history. He realizes that maintenance of the balance of power will not alone lead to an eventual settlement of this crisis. The President's diplomatic initiatives have some possibility of success if the Arab governments recognize the Soviet threat to their own sovereignty. Again, the history of Soviet foreign policy in the Middle East bears this threat out.

We all pray that the President's initiatives meet with positive results. In the meantime, it should be our job as Americans to focus on the Soviet threat to peace in the Middle East. Furthermore, it cannot be said often enough that any military confrontation in the Middle East represents a dangerous threat to the peace and freedom of the world as a whole.

I ask unanimous consent to have printed in the RECORD an article relative to this overall situation, entitled "Israel and the Modern Jewish Identity Crisis," published in the June issue of Mideast. The author of the article, Dr. Alan R. Taylor, is an associate professor at the School of International Service of the American University in Washington. He is the author of "Prelude to Israel, An Analysis of Zionist Diplomacy, 1897–1947," and is considered one of America's leading experts on Middle East politics. Although I have some reservations concerning the contents of this article, I believe it is imperative that all views on this matter be fully expressed.

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

ISRAEL AND THE MODERN JEWISH IDENTITY CRISIS

(By Alan R. Taylor)

When Israel was established nearly 22 years ago, a unique political system came into being. The political dimensions of the new state exceed those of other nations and involve a more complex pattern of relationships. This is because Israel is not merely a national community within the global state system, but a specifically Jewish enclave which, though situated in the Middle East, assumes a special relationship to a larger Jewish community outside its borders and legal jurisdiction.

As a political system, Israel operates within the context of three distinct spheres. In one sense, it is an entity unto itself, a sovereign community with its own interests and political parties. It is also a Jewish and a Middle Eastern state. In the former role, because of its visionary ideological orientation, it considers itself in a position of leadershp and responsbility with regard to world Jewry. In the latter, it conducts a war relationship with the Arab world, in whose midst it exists and with which it must ultimately reach a reconciliation.

The threefold orientation of Israel forms the basis of its ambivalent inclinations. The founders of Zionism were transported by the magic of an idea. Their aim, formulated from a number of viewpoints, was to synthesize the ramified strands of Jewish experience in an organized utopian movement. Like many modern ideological movements, Zionism was galvanized by an activist clan which was geared simultaneously to archaic traditions and a futurist panacea. The banalities of the present were to be transmuted into a program of building a heroic Jewish state of tomorrow grounded in the virtues of a noble past.

The trouble with such ideological formulations is that they exaggerate the degree of continuity with an ancient age and overestimate the ability of planned programs to redress more recent problems. The realities of present experience and socio-political relationships are often overlooked or ignored, the focus of attention residing in other time dimensions. This is why so many modern ideologies resort to trenchant and inflexible stances as they confront the real world and try to deal with its evolving patterns of behavior.

Israel is a case in point. The idealist precepts of Zionism, largely derived from the extravagant and now suspect speculations of 19th Century Hegelian philosophy, comprehend the Jewish present in terms of an archaistic myth and a futurist dream. The major Zionist thinkers from Ahad Haam and A. D. Gordon to Herzl and Ben-Gurion, regarded themselves as heralds and agents of a great transformation in Jewish life. They constructed in their minds a subjective view of the Jew in history, seeking a distillation of past and modern attributes in order to form a new image for Jews to assume. This image comprised a composite of the heroic and humanistic traditions of the biblical age, the piety of Talmudic Judaism and the cosmopolitanism of the emancipation era. Consistent with the conjectural nature of Zionist thought, the program of Jewish regeneration was to be realized in the construction of a modernist commonwealth in an ancient site which had centuries before come under Arab tenure.

Paradoxically, the Zionist search for a synthesis of Jewish values and the establishment of the Jews as a model nation in the Middle East led to strife and factionalism, to walls of hostility and insoluble dilemmas. The Jewish world was torn by its simultaneous attachment to traditional customs and its inclination to participate in the more cosmopolitan facets of modern life. Zionism seemed to provide a synthetic path through which both predispositions could be realized. But this presumed character of Zionism was illustory. In actuality it had neither recaptured the Jewish past nor provided a flexible and expansive avenue for Jewish growth and development in the context of modern life. Furthermore, the Zionist project laid the foundations of an awkward system of relationships in the Middle East.

In the course of its ardent search for the establishment of a state in Palestine, Zionism lost touch with the past and present Jew and undermined the possibility of a peaceful Jewish presence in the area. Ancient tradition was accommodated to its political programs, and the psychological and social needs of the modern Jew were subordinated to its doctrinaire philosophy. Similarly, the Arab community in whose midst the state was founded by design and prowess was alienated to such a degree that the prospect of an endless armistice became an increasing certainty.

The widespread Jewish support of Israel is a misleading phenomenon. It is the result of intensive propaganda and of spontaneous affiliation in the context of heated and swift-moving events. The participation of Orthodox Jewry in a movement which has so clearly demonstrated its secular orientation is incongruous. Equally paradoxical is the attachment to a parochial Jewish state in the Middle East expressed by highly integrated and cosmopolitan Jewish communities in the West which indulge in romantic fancies about Israel without any profound involvement in the Zionist idea or any genuine communication with the *Yishuv* (the Jewish community in Palestine).

The truth is that the myths of Zionism do not accord with the realities of the constructed Jewish commonwealth in Palestine. The architects and successive leaders of modern Israel have established themselves in a charismatic position with regard to the Diasporan and Palestinian Jewish communities, which have accepted the relationship without fully comprehending its implications or endorsing it on the pragmatic level.

The support of Zionism and Israel by the Diaspora is based on premises reflecting the ideological commitments of diverse Jewish groups in the contemporary world. The religious element assumes that the underlying purpose of the State of Israel is the preservation and fulfillment of ancient heritage and prophecy through the reconstruction of corporate Jewish existence in Zion. The secularists take it for granted that modern Israel rests on the traditions of liberalism and provides a haven of security and a focus of cultural development. Implicit in both positions is the belief that Israel represents the respective views of its supporters and that there is no basic contradiction between the continuity of the Diaspora and the existence of a Jewish commonwealth in the Middle East, since both are aspects of a common Jewish endeavor.

In actuality, the premises upon which the Diaspora supports Israel are unfounded. The state pays lipservice to tradition through concessions to religious prerogative and suggestions of prophetic aim, while remaining essentially secular and often insensitive to the precepts of Judaism. Similarly, Israel has adopted an external stance of liberal cosmopolitanism, but pursues the policies of a colonial garrison state which operates on the principle that it is a law unto itself. Significantly, the severest criticisms of these untoward attributes have come from Jewish circles and from within Zionism itself. In the last analysis, the Diaspora has projected its self-image onto Israel and sees in the objective reality only the reflection of its own dream. At the same time, the leaders of Israel play fast and loose with the religious and political phraseologies which strike a responsive chord in the Jewish world outside and creates an appearance of common endeavor and compatibility which does not really exist.

The Israeli community is caught up in the myths and complexities of the same problem. The vision of Jewry reconstructed in the Land of Israel, which Zionism has propagated since its inception, anticipates a political commonwealth which is at the same time a center of Jewish renaissance, a model society and a catalyst of progress in the Middle East. The early ideologies predicted the establishment of a utopian Jewish state which would achieve the social and cultural emancipation of the Jews and assume a messianic historical function in the world.

In 1862, one of the first Zionist philosophers—Moses Hess—looked to a Jewish Palestine as the site of a synthesis of spiritual and material values, a cornerstone of the "Sabbath of History". Later, Theodor Herzl, in the novel *Altneuland*, imagined the future Israel as a "New Society" where Arab and Jew lived together in prosperity and love, a place where "old quarrels had been resolved into new harmonies". With regard to the Jewish question, Herzl's assumption was that the existence of a Jewish state would allow "Jews who wished to assimilate with other peoples . . . to do so openly, without cowardice or deception." The reason for this was that, "Only when the Jews, forming a majority in Palestine, showed themselves tolerant, [would they be] shown more tolerance in all other countries."

The premises of these speculations were in time to be refuted by the realities of Jewish nation-building in the Middle East. The occasional deference to Arab interests turned out to be a passing gesture by comparison with the preponderant Zionist indifference to the life and aspirations of the indigenous community. Judah Magnes, who was among the last of the consistent humanist Zionists, put the problem in concise terms:

"We seem to have thought of everything—except the Arabs. We have issued this and that publication and done other commendable things. But as to a consistent, clearly worked out, realistic, generous policy of political, social, economic, educational cooperation with the Arabs—the time never seems to be propitious.

"But the time has come for the Jews to take into account the Arab factor as the most important facing us. If we have a just cause, so have they. If promises were made to us, so were they to the Arabs. If we love the land and have a historical connection with it, so too the Arabs. . . . If we wish to live in this living space, we must live with the Arabs."

The sensitive perceptions of Dr. Magnes and his kind were relegated to the sphere of academic commentary by the majority of those involved in the political work of Zionist nationalism. The war of 1948 saw not only the passing of Magnes himself, but of his ideas as well. The Jewish forces precipitated a mass evacuation of the Arabs and established a state which exceeded the territorial intentions of the United Nations and was exclusively Jewish in character. In subsequent years, the remaining Arab population was subjected to military government, systematic confiscation and the disabilities of second-class citizenship. Ultimately, the validity of corporate Arab existence in Palestine was repudiated by the Minister of Information, Yisrael Galili, who asserted in 1969, "We do not regard the Palestinian Arabs as an ethnic category, as a distinct national community in this country." Later in the year, Premier Golda Meir established this position as official policy by stating in an interview, "There was no such thing as Palestinians. . . . They did not exist."

Concurrently, the Arab communities immediately neighboring Israel were placed under

the threat of occupation, with the result that in 1967 the West Bank, the Golan Heights, the Gaza Strip and the Sinai Peninsula came under Israeli control, while southern Lebanon became an imminent target of Israeli design. The Zionist contention is that these forays are essentially defensive and designed to thwart the attempts of Arab irregulars to harass and extinguish the Jewish state. The more evident dimensions of the conflict, however, point to an initiatory and escalating Zionist intrusion and a consequent Arab reaction, first in the context of sporadic activity and more recently in the form of organized resistance. Perhaps the most significant indicator of fundamental realities at this stage is that while Israel is in command of the air and of Arab territories outside her borders, she has demanded greater supply of Phantom jets, which carry ten times the payload of Egypt's MIG 21s and are clearly offensive weapons.

What these particulars portend for the Jewish citizen of Israel is the perpetuation of isolation and embittered hostility in the Middle East. The ghetto existence of Europe in earlier days has been transposed to Palestine. But in the present case, the external community does not seek the isolation of the Jews, but their integration, as now proposed by the Palestinian liberation movement.

So it is that the Jewish problem has come full cycle: from a ghetto imposed to a ghetto self-established. The prophecies of equanimity, of Jewish cultural fulfillment and of a Jewish messianic role are now floundering between the Scylla of Israeli militancy and the Charybdis of the Palestinian resistance. Alongside the tragedy of the Palestine refugees stands the equally tragic image of the Israeli Jew, who is caught between the prescriptions of a political ideology he did not invent and the circumstances of a political world he needs to join. For paradoxically, only by becoming an integral part of the Middle East can the Jewish presence in Palestine provide the cultural center and the political haven which have been so central to the Zionist dream.

The resolution of these problems which Zionism has engendered depends on the regularization of Israel's relationship to the Jewish community in the world and the Arab milieu in which it exists. The symptoms of dislocation and disorientation are apparent enough.

The schizoid character of Israeli-Diasporan relations has come into the open through the developing controversy over what it is to be a Jew. The problem is rooted in Zionism's assumption that it represents the Jewish people and that Israel is *the* Jewish state, that it belongs to Jewry and to Judaism. This assumption glosses over the actuality that Zionism is only one of several Jewish social movements which grew up in 19th Century Europe and America in response to the transformation taking place in the western world. The integrationist tendencies which were set in motion by the French Revolution confronted the Jewish communities of Europe with perplexing problems of identity and participation, and established a need for modernist philosophies to cope with the issues at hand. Zionism was one of the subsequent movements which sought to create a synthesis of Jewish and western values so as to preserve a uniquely Jewish identity in the context of modern secular orientation. Reform Judaism and the Jewish trade unionism of eastern Europe represented parallel approaches to the common problem, while the continuation of traditional orthodoxy and the rise of Jewish cosmopolitanism formed the polarities of Jewish response to the emancipation era.

In the broadest sense, none of these groups can be said to represent the whole Jewish people or to have answered the problems before it, just as no single western ideology has been able to win a monolithic allegiance in Europe or the Americas. The reason for Zionism's ultimate ascendency in contemporary Jewish circles is that it has been able to blur the distinctions between secularism and religiosity through a charismatic and romantic appeal, and to interpret the circumstances of the inter-war period as a substantiation of its premises. But it remains that these premises are as open to question as those of any other ideological system, and perhaps the more so in view of the militancy and intolerance which have come to characterize political Zionism.

The specific problem of Jewish identity which Zionism raised has become increasingly apparent as an existential issue since the creation of the state. The Law of Return, which was enacted in 1950, established the right of all Jews to immediate citizenship without defining what it is to be a Jew. In practice, however, there has been a strong tendency to defer to the orthodox definition, which considers Jewish nationality indissolubly linked to religious commitment. Until the recent Shalit case, in which the Supreme Court of Israel conferred the status of "Jewish nationality" upon the children of a gentile mother and a Jewish atheist, only those born of a Jewish mother or a convert to Judaism could be considered Jewish in the national sense, and then only if the individual in question had not renounced the Jewish faith or adhered to another creed. It was in terms of this definition that in 1963 Father Daniel Rufeisen, a Catholic priest born of Jewish parents was denied immediate citizenship as a Jewish immigrant under the Law of Return, though the residence requirements of naturalization were minimized. It is also because the state tacitly accepts the position that religious affiliation is the basis of Jewish nationality that mixed marriages are not legally recognized in Israel, that Jewish sects which the rabbinate considers radical have been subjected to legal and institutional disabilities, and that public observance of the Sabbath is forced upon the entire population.

Considering the secular character of Zionism and of the great majority of Israelis, the deference to religious interpretations of Jewish nationality seems anachronistic. But it is really a logical development in the light of the myths which Zionism itself fostered. The architects of the Zionist creed sought to create an ecumenical ideology which would embrace the whole Jewish people in a comprehensive system. It was anticipated that this system would not only provide a panacea with respect to the Jewish problem, but that it would also effect a broadly representative Jewish renaissance. There remained, however, an imposing gulf between the handful of Zionist ideologists whose basic aim was "negation of the Diaspora" and the Jewish world they wanted to transform. This Jewish world was not only socially and intellectually diverse, but rooted in the very Diaspora which the Zionists so disparaged.

The events of the 1930's attracted many Jews to Zionism because it held out the prospect of permanent refuge and a focus of Jewish dignity. The question of "Ingathering" was another matter. While the creation of the state was welcomed by many Jews, the programmatic and doctrinaire aspects of Zionism were vigorously resisted. World Jewry today comprises about 14,000,000, and of these only 2,500,000 reside in Israel and share its citizenship. This ratio cannot be explained simply by the limited size of the state and the emigration restrictions in eastern Europe. It substantiates the basic but obscured fact that the vast majority of contemporary Jews have actually "affirmed" the Diaspora, that they have opted in favor of the broader and deeper dimensions of the world outside Israel. Their support and lip-service in behalf of the state does not diminish the more significant and profound reality that they instinctively resist the call to a diminutive Jewish polity. This is not to say that the Diaspora does not have its seamy side, too, but to point out that the modern Jewish world has come too far along to confine itself within a parochial vision.

In seeking to elaborate a program of allegiance which was at the same time comprehensively "Jewish" and existentially "national", the Zionists took recourse to the loosely defined concept of Jewish nationality implicit within Judaism as an ethnic religion and a communal culture. This was the only avenue through which they could forward their own essentially secular and normalizing populism in a Jewish world which remained as essentially resistant to such idealist prescriptions. The realities of this quixotic situation have been almost lost to view because of one of the most pervasive publicity campaigns ever launched in our time. The fact of divided purpose and interpretation, however, remains as the constant element in the modern Jewish dilemma, of which Zionism is the focus.

The question of what it is to be a Jew is elusive and complex as other questions of identity which involve the deeper problem of humanism. In its present context, the issue of Jewishness has been set in the microcosmic framework of a Levantine state. Whatever is decided by the institutional structure of Israel as to the status of this or that individual, the more profound problem of the relationship between Israel, Zionism and the Diaspora will remain. The recent endeavors in Israel to achieve a compromise by blurring and manipulating the distinction between Israeli citizenship and Jewish nationality will only protract and complicate the delicate matter at hand. The problem will never be solved, however, until there is a general recognition that Israel is not *the* Jewish state, but a *Jewish* community.

If the concept of Israel as a corporate entity with a life and being of its own should gain currency, the citizens of Israel would seek to engage in more constructive terms—the immediate world in which they live—the Arab Middle East. The parameters of such a future relationship have been drawn by the maverick Israeli politician, Uri Avnery.

Avnery's ideas are set forth in his recent book, *Israel Without Zionists*. He was one of many whose lives were gathered up and redirected by the Zionist movement. At the age of 10 he and his parents left Hitler's Germany and went to Palestine, where, in his words, "We declared our independence from our past . . . the world of our parents, their culture and their backgrounds." As a youth he attached himself to the Irgun but later became disillusioned and embarked on an odyssey of ideas and associations which reflected his frustration with the Zionist idea as formulated in the minds of Diasporan Jews. Ultimately, he was attracted to the poet Ratosh and the Canaanite movement. This school rejected the cultural traditions of the Diaspora and stressed the evolution of a "Hebrew" national renaissance in Palestine, the creation of a distinct Palestinian Jewish identity. It was anti-Zionist in a qualitative sense, rejecting the international Jewish orientation and leadership of the Zionist "establishment" and the notion of continuing umbilical ties between Israel and world Jewry. It retained, however, the essentially Zionist idea of a new Jewish image emerging from the soil of the ancestral land.

Semitic Action, which Uri Avnery now leads, is an outgrowth of the Canaanites. Its doctrines represent an increasingly significant reaction of contemporary Israelis to many of the dilemmas posed by the Zionist myth. Avnery is advocating a new "auto-emancipation", this time from the obsolete and burdensome concepts of an ideology which stems from nearly 100 years ago. In

looking to the emergence of a non-Zionist Israel, he is expressing some very deep-seated feelings in many of his countrymen, who experience the intense loneliness of being an "object" of Jews who are absent and a stranger among neighbors who are present. The Israeli is like a child whose parents dote on him to the point of stifling his identity while he is trying to find his way in a world which his parents reject because they see it as a recapitulation of old enemies and a threat to the image in which they wish to cast their offspring.

Avnery understands the short-sightedness and distortions of traditional Zionism. He takes issue with Herzl's concept of a Jewish Palestine as "an outpost of culture against barbarism", and recognizes the nature of Ben-Gurion's Arabophobia. In a brilliant analysis, he portrays Moshe Dayan as an essentially pathological product of Zionism in Palestine, a "lone wolf" who cannot get close to anyone, who "never says what he really thinks", and who "was, is, and will always be an Arab-fighter". He also sees that Israeli campaigns are really reactions to the "new" Arab nationalism and that the continuing Arab-Israeli war is a product of a "vicious circle" of Zionist presumptions that the Arabs can only be dealt with by force.

These insights lend a useful new perspective to the problem, as does Avnery's proposal for a de-Zionized Israel which can integrate in the Middle East and become a partner to a *Pax Semitica*. But there remain three very serious problems in his outlook and program. The first is that the myths which Avnery exposes in the Zionists are also apparent in his own thought. The idea of a "Hebrew" renaissance is a fanciful archaism which glosses over the fact that an essentially western people is seeking an indigenous place in a non-western land. We can understand their feeling of isolation and their desire to "belong" in a cultural as well as a geographical sense. But it remains that the western Israeli is no more a real Middle Easterner than is the Boer in Capetown and Johannesburg a real African.

The second problem relates to the Zionist concept of "emancipation". If Avnery disparages the Diasporan ties and orientations of Zionism, he fully endorses the notion of Zionism as a "liberating" movement, freeing the Jews from their own stultifying past. Understandable as this may be in certain respects, it neglects the significance of the Judiac heritage and the broad dimensions of Jewish secular development in the modern age, both of which stand among the more notable achievements of man and have profoundly influenced the course of history. One cannot but question how a parochial neo-Hebraism would compare to these facets of Jewish experience.

The final problem with the Avnery thesis—and this is probably the most important in terms of a settlement to the current conflict—concerns his approach to the Arab question. His attitude toward the Arabs is rather condescending and academic. He sees the Arab national movement as initially "a simple idea . . . not faced with the immensely complicated problems which confronted Zionism". This is hardly true. The development and evolution of the national idea among the Arabs is as complex and involved as it has been in the case of other modernizing movements, whether they be Jewish, Russian, Indian, or Chinese. The Arabs, too, have problems of loyalty, identity, direction and becoming.

The *Pax Semitica* which Uri Avnery has in mind is basically Israeli-centric. It suggests the construction of a Palestinian state as Israel's first Arab ally, without considering the disadvantages to the Palestinians of accepting a "lesser" Palestine which would inevitably become a kind of satellite to the Jewish state in the more strategically-located and productive sectors. It also disregards the fact that the Palestinans, have now developed a national movement of their own which does not seek the eviction of the Jews, but the construction of a secular and pluralistic state. This is a challenge which Avnery does not even take into account, and considering the vast discrepancy in proportional population, it might be more appropriate to ask how Israel could fit into a broader *Pax Semitica* than how the Palestinians and the Arabs in general could accommodate to Israeli schemes for integration and peace.

These criticisms aside, Uri Avnery has made a contribution to deeper understanding of a problem which has so troubled Arabs, Israelis and the world. He is seeking a way around the dilemmas of the new Jewish presence in the Middle East, a way to escape the myths and brittle attitudes of Zionism in order to build a system of coexistence. He stands as a point of departure, a course with frailties to be reconsidered, but one which has essential merits. Should his reflections and ideas take any root, the possibilities of peace will be enhanced. The Arabs have a role to play, also, but we are so often reminded of what the Arabs must do and seldom of the gestures which Israel needs to make if it is to achieve a normal way of life in the Middle East.

The Arab-Israel conflict has been characterized by the encounter in Palestine of two mutually hostile national movements, both deeply influenced by larger affinitive communities outside. The prospects of settlement in the immediate future seem to depend on a pragmatic disengagement of the contending parties from their cultural sponsors. If the controversy can be isolated to this degree, the fundamentals will emerge in unequivocal terms as the meeting of two claims; one, asserting the right of Jews to establish a corporate existence in Palestine, the other maintaining the right of Palestinan Arabs to repatriation. In this context, exclusivist policies would tend to eclipse and conjointly the system of relationships in all dimensions would seek an appropriate structure. Pluralism in Palestine would reflect the actual pluralism of the Jewish and Arab communities and help to set the pace for a world already wearied by the struggle of one irredentism against another.

WORLD ENVIRONMENT

Mr. McINTYRE. Mr. President, the environment is a concern that has no boundaries. Pesticides have encircled the globe. The nations of the world together are beginning to pollute the oceans. An exploding world population is straining the resources of the earth. Each nation must establish priorities to meet the particular challenges it faces in the environmental crisis.

But the aim of a livable world will be met only with concerted, cooperative efforts involving all nations—the problem cannot be licked piecemeal. As just one instance, any one country could take unprecedented steps to end its pollution of the sea. But if others did not follow suit, it is almost inevitable that this priceless resource essential to life itself will be destroyed.

In a January speech setting out an environmental agenda for the 1970's, the distinguished Senator from Wisconsin (Mr. NELSON), a leading advocate of environmental action, said that winning the war against environmental problems is going to require on the part of all people a new assertion of environmental rights and the evolution of an ecological ethic of understanding and respect for the bonds that unite the species man with the natural systems of the planet.

He pointed out that such an ethic, in recognizing the common heritage and concern of men of all nations, may prove the surest road to removing the mistrust and mutual suspicions that have always seemed to stand in the way of world peace.

In a May 1970, article in War/Peace Report, Senator NELSON develops further this theme of the need for cooperative action worldwide to save the environment and proposes a major first step, the establishment of a World Commission to Preserve the Environment, which would be associated with the United Nations in the same way as are many other international agencies.

Mr. President, this proposal merits the consideration of all of us who share this concern about the deteriorating environment and the threat to the quality of human life. I ask unanimous consent that the excellent article of the Senator from Wisconsin be printed in the RECORD.

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

WE NEED A NEW GLOBAL AGENCY TO CONFRONT THE ENVIRONMENT CRISIS

(By Senator GAYLORD NELSON)

We all travel together, passengers on a little spaceship, dependent on its vulnerable supplies of air and soil; all committed for our safety to its security and peace, preserved from annihilation only by the care, work, and I will say the love we give our fragile craft.

With these words, uttered in Geneva in 1965, the year of his death, Adlai Stevenson put his finger on an impending crisis to which most citizens of the world were to wake up four and five years later.

He foresaw the day when we earth people could hopelessly foul the thin envelope of air that surrounds our planet with the exhaust from our cars, factories, office buildings and homes.

The possibility now looms that we can shave the trees from our rich forestlands, rub the land raw with our plows, spray it with deadly pesticides, rip it with surface mining, cover it with blankets or blacktop and strips of concrete, and choke it with oily fumes and poisonous gases.

We have gone a long way toward stifling the land that has under normal conditions been so provident, and we have not been treating the waters any better, gorging our rivers and seas with the ever-increasing effluence of an ever-more affluent society.

Environmental problems extend also to the problems of population, hunger, distribution of natural resources, solids disposal, radioactive and poison disposal, nuclear fallout, mineral depletion, noise and pesticides—in short, to virtually every problem in the world.

There is literally no portion of the earth that has escaped man's messes. The last breath of pure air is thought to have been ingested in Flagstaff, Arizona, six years ago. Penguins and seals in remote Antarctica show DDT in their tissues. Mountain streams where men can safely drink the water without treating it first are becoming harder to find. It is now commonly understood that massive measures must be taken if man is to restore and maintain a quality environment, but few persons outside the scientific and academic communities are aware that the very survival of man hangs in the balance.

The clearest indication that man can de-

grade his environment enough to threaten his own existence is that already he has forced other species off the face of the earth. Dr. S. Dillon Ripley, secretary of the Smithsonian Institution, believes that in 25 years somewhere between 75 and 80 percent of all the species of living animals will be extinct.

Until recent years, species vanished at the rate of one per 1,000 years. At present, one species is dying out every year. For example, in just 100 years, we exterminated five billion passenger pigeons.

The World Health Organization estimates that in the last 100 years over 550 species of mammals, birds and reptiles have been pushed to the brink of extinction. Unlike the dinosaur, which died out over millions of years, endangered species today are being wiped out in a second of geologic time. One hundred and ten kinds of mammals have succumbed in the Christian era alone, 70 per cent of them in the last century.

Several forms of wildlife are today faced with extinction: the petrel of Bermuda, the bald eagle and peregrine falcon of America, the osprey and the blue shell crab are all threatened.

An alarming aspect of this situation is the insidious way in which these birds are eradicated. No one wishes for their deaths. The Bermuda petrel, a rare oceanic bird of the North Atlantic that has no contact with any land treated with insecticides, nevertheless lays eggs with 6.4 parts per million of DDT residues, acquired through eating contaminated sealife. Similarly, the eagle and the osprey face extinction because herbicides diminish their capacity to produce calcium and their eggs are no longer strong enough to contain the chicks.

The fate of these creatures cannot be decided through national legislation, because the birds pay no attention to boundary lines. Some countries, notably Sweden and Denmark, and recently Canada, have banned DDT. But that is just a beginning.

Soil erosion, the tide and the chain of life itself carry pesticides to the farthest reaches of the world without regard to boundaries. In Antarctica, as unpopulated a spot as there is in the world, 2,600 tons of DDT are estimated to have accumulated in the snow and ice.

The battle against pollution must overcome the jurisdictional boundary lines that carve the planet into separate sovereignties. The metropolitan area around Portland, Oregon, has 452 municipalities—local governments that under normal conditions operate without regard to one another; the problem of independent jurisdictions is compounded when applied to the international scene.

Some examples graphically point up the need for international solutions to pollution problems:

An oil tanker from Country X ruptures a seam, and oil gushes out to mar the beauty of Country Y's beaches and to kill off its sea fowl, marine life and underwater vegetation.

Rising acidity in rain and snow, attributed to wastes from Britain and possibly West Germany threaten to destroy fresh-water fish and forests in Norway if not controlled.

Radioactivity from an atom test in Country A spreads to far-off Country B, imperiling Country B's milk products.

Mustard gas containers dumped into the ocean at the end of World War II rust through, and the lethal gases begin to leak out.

Chemicals used by a large power at war in a small country create a fear that the chemicals may sterilize the land or at least drastically reduce its agricultural output for many years, or even permanently.

Dirty air from a large city drifts over a national border into another country.

Polluted water from Country C flows into Country D, rendering any attempts by Country D to keep its water clean futile.

THANT SUGGESTS CONTROLS

A report issued by U.N. Secretary General U Thant last May found that many pollution problems are global. The report outlined several areas in which international agreement offered the best or only protection of environmental concerns.

In addition to the new commonplace forms of air and water pollution, the report found a need for international agreement in the areas of radioactive fallout; protection across boundary lines for migratory birds, mammals and reptiles, and agreements in matters affecting weather and climate.

The report concluded: "Both at national and international levels, action programs and institutional measures to correct and prevent pollution of the air, of land, water and ocean resources, and of food, are urgently needed. So are legislative and administrative controls, in the interest of both social and economic objectives, on the use of pesticides and other chemicals which are essential in modern agriculture and industry but which, when wrongly used, can be harmful to man and his environment."

In the past, pollution has been mainly the problem of affluent nations, but that is not true any more. Even while pollution from the more industrialized nations blows and flows past borders into the less developed countries those countries are clamoring for what they see as the blessings of industrialization.

These international problems fall within the purview of the United Nations. They are non-ideological in nature, and they affect all the inhabitants of the world, human and otherwise. The U.N. Conference on Human Environment to be held in Stockholm in 1972 is a major first step toward making the U.N. work on international pollution problems.

Since time to cope with these problems is so short, I would hope that the international community would move with more celerity than is its wont in creating the necessary institutions. I would propose that there be established a World Commission to Preserve the Environment, which would be associated with the United Nations in much the same manner as are other international agencies. The commission would have to be created in such a way that its composition and voting procedures would properly reflect population and power distribution in the world. Its budget would be provided for through means similar to those used for other international organizations; each government would make an appropriation to it in accordance with the rules of the commission and that government's own procedures. The commission members would have to be named through a process of government consultations, but once appointed they should be free to vote their own minds and consciences.

At this stage in the development of international institutions, it does not seem likely that the World Commission to Preserve the Environment could be endowed with physical enforcement powers. However, it would not seem beyond the bounds of political possibility to empower the commission to set up a global monitoring system to oversee the environment. There is already a precedent for this in the U.N. Scientific Committee for Atomic Radiation, which was established by the General Assembly in 1955 and which has since then, with little fanfare, monitored the atmosphere for contamination by artificial radioactivity and made its findings available in annual reports. There are also many other U.N. agencies that deal one way or another with environmental problems, and the new commission could coordinate with their activities to achieve maximum effectiveness.

Whenever the commission found offenses against the environment—whether in the seabed, the ocean, the atmosphere, outer space, or even on land, when the pollutions were detected crossing international boundaries—the commission could initiate a cooperative effort to solve the problem. The prestige of the commission, combined with its authority to publicize its rulings widely, might allow it to be effective in getting compliance even though it might lack any legal means of enforcement. Various nongovernmental organizations ranging all the way from churches to citizens, conservation and youth groups, could be a powerful political force to help implement the commission's recommendations.

The commission could do more than monitor the environment, however. It could carry out research on all aspects of the environment and how to keep it unspoiled; it could act as a clearinghouse for the considerable data already existing. It could also undertake programs of education aimed at both ordinary citizens and leaders in industry to bring them into the campaign against pollution.

There are other avenues where international environmental matters can be discussed and solutions weighed. In part, the answers lie with the people themselves and require no action by governments. Individuals are slowly learning that what they do and don't do has direct consequences on their environment.

In the United States, the widespread support for and participation in Earth Day held April 22 can extend itself to international pollution problems. Youth and adults alike can say what they think about manufacturers making cars that send up blankets of carbon monoxide, about oil companies that drill holes into the ocean floor and spill oil that kills birds and marine life and that ruins the beaches for people, about governments that dump radioactive wastes on the ocean floor.

Any rational approach to worldwide pollution or conservation requires that national and local rivalries be set aside and that people the world over start to think of one another as brothers with common afflictions and common needs.

Whether it is worn by an American, an East Indian or an African, the button that says, "Give Earth a Chance," has the same meaning. We're all in the same boat, as the sailor says, and we must row together.

CAPTIVE NATIONS

Mr. TOWER. Mr. President, this week marks the 30th anniversary of the Soviet Union's ruthless takeover of the Baltic States—Lithuania, Estonia, and Latvia. In June of 1940, armed troops of the Soviet Union poured into the Baltic States and forcibly incorporated Latvia, Lithuania, and Estonia into the Union of Soviet Socialist Republics. The Government of the United States has never recognized this forced annexation.

Elections were held in the usual Soviet style. The candidates were selected by Moscow, and Lithuanians, Letts, and Estonians were led at gunpoint to vote for their respective slates. Over the succeeding 30 years there has ensued a series of policies aimed at breaking down the ethnic and cultural character of the Baltic peoples. Thousands of Balts have been deported to Siberia; Russian institutions and Communist doctrine have been imposed on the Baltic peoples, as has the Russian language. No effort has been spared to rob the Baltic nations of their cultural heritage.

The people of Latvia, Lithuania, and Estonia have vigorously resisted Soviet domination. They resisted first by force of arms, incurring terrible losses. Since

1952 the Balts have continued to resist passively.

The proud people of the Baltic countries have suffered a stormy and beleaguered history. From time immemorial Russian and Germanic forces have swept back and forth across their lands. But the present Soviet domination is the most brutally destructive that they have yet endured. Our solemn observation of this grim anniversary must serve to focus world opinion on the plight of the Baltic nations so that we shall stand with a renewed awareness against the imperialistic ambitions of the Soviet Union.

OBSERVATIONS ON UNFINISHED EDUCATIONAL TASKS

Mr. YARBOROUGH. Mr. President, for 3 years, there has served in the Office of Education one of the Nation's finest public servants and leading authorities on the education of the very young. He is James J. Gallagher, Deputy Assistant Secretary of Planning, Research, and Evaluation in the U.S. Office of Education.

Dr. Gallagher has witnessed, and participated in, an exciting era of public education. A great body of laws has been passed; new ideas have been generated and many brought into being.

He has been in the Office of Education long enough to experience some frustration that all of us experience with the performance of education programs. What happens between the time the first money is appropriated and the time the first child enters such a program? What happens after it has been in operation a year, or 2, or 3, or a dozen?

Dr. Gallagher is leaving the Department of Health, Education, and Welfare to become director of the Frank Porter Center at the University of North Carolina at Chapel Hill. Upon his departure, he has analyzed some of these questions, and come up with interesting and provocative answers.

Dr. Gallagher leaves behind not only a distinguished record of accomplishment at the Office of Education, but the benefit of his experience. Before coming to the Office of Education, he was director of psychological services, Dayton Hospital for Disturbed Children, Dayton, Ohio; assistant director of the phychological clinic at Michigan State University; assistant professor at the Institute for Research on Exceptional Children at the University of Illinois, and later its director. He has been a visiting adjunct professor, education improvement program at Duke University. He is the author of "The Tutoring of Brain Injured Mentally Retarded Children," published in 1960; of "Teaching the Gifted Child," published in 1964; "Teaching Gifted Students," published in 1965.

In a paper entitled "Unfinished Educational Tasks, Thoughts on Leaving Government Service," Dr. Gallagher tells some of the reasons why performance seems to fall short of promise in many educational activities.

He describes the layers of Federal bureaucracy that beset Office of Education plans. He outlines the need to reorganize education at all levels of government—local, State, and Federal. He suggests some areas of concentration and specialty that are most appropriate for Federal activity.

I know that Dr. Gallagher will continue to contribute to better education in America. His observations will be helpful to all of us who also plan to devote ourselves to better education in America. I ask unanimous consent to have the paper printed in the RECORD.

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

UNFINISHED EDUCATIONAL TASKS

(By James J. Gallagher)

Since the news of my forthcoming resignation, I have had many requests or inquiries as to the principal reasons for my departure. In order to put incorrect speculation to rest, I issue this statement of personal conviction.

The problems that plague effective government action in education are many and center mainly upon *how* important decisions are made. I wish to state some of these problems and possible solutions as a final statement upon leaving Government Service.

In Washington, we still play the game of hero and villain, as the press testifies daily. However, villains in Washington are far fewer than most people believe. Many of the problems are imbedded, rather, in failure within the organization and system of government itself. These flaws extend beyond particular individuals in temporary leadership positions. Before major improvements can be made in the construction and implementation of sound educational policy, the Washington decision-making system must be corrected in a fundamental manner.

Four of these organizational problems have been major frustrations in our work and none of them seem to be getting much better:

EROSION OF AUTHORITY OF U.S. OFFICE OF EDUCATION

I believe that the U.S. Office of Education should be the major center for the development of national policy on education and the principal educational spokesman of the Federal Government, once the broad outlines of White House interests have been stated. At the present time, however, virtually all major educational policy decisions and statements are being made at other governmental levels with only perfunctory recognition of the existence or the role of the Office of Education. The Office has had only limited participation in the plans for desegregation of education, higher education, educational research and development, and other areas.

One of the consequences of that limited participation was the negative tone in the White House Messages on Education which appear more critical than constructive in their approach to education. Various administrative spokesmen, from the White House down, seem willing to make education and educators the scapegoat for a multitude of societal problems not of their making, but at the same time are not willing to provide the high priority and necessary resources to get needed educational tasks accomplished.

UNCERTAIN COMMITMENT TO RESEARCH AND DEVELOPMENT

One of the new thrusts of the new Administration which persuaded me to become the Deputy Assistant Secretary for Planning, Research and Evaluation was a major concern for meaningful advances in research and development as a means of improving American education. We started with high hopes. However, the treatment of the initial 1971 budget requests by the Bureau of the Budget in cutting existing research programs by over $15 million, while allowing modest starts for new efforts, was a distinct shock. It was the first, but not the last, indication that fiscal considerations and budget technicians often determine major educational policy decisions, no matter the rhetoric of the visible spokesmen for the Administration.

I am naturally pleased that the new program of *Experimental Schools*—designed to carefully test major new innovations—and the proposed *National Institute of Education*—designed to provide a major visible center of planning and action for educational research—are receiving favorable comment. Having worked hard to develop these new and promising concepts, I am gratified that they are receiving careful consideration. But these new programs alone do not make a total research program. Rather, the major efforts that began in 1966 under Title IV of the Elementary and Secondary Education Act should be the base upon which future educational research and development should be built.

If effective programs in existing Research and Development Centers and Educational Laboratories and other past innovative efforts are starved in order to feed new programs, American education will not profit. The 1972 budget is, of course, crucial and there will be strong temptation for those solely concerned with fiscal considerations to transfer or cut the more established programs, and transfer funds from those programs into new efforts by the National Institute of Education. Such a move could be accompanied by lofty statements of "exciting new advances in research," when, in fact, the total educational research money available may show little or no increase. Many concerned individuals and organizations will be watching the 1972 budget carefully to see if there is a genuine increase in research funds, or merely a transfer of funds from old to new programs.

The concept of the National Institute of Education, as a visible indication of our commitment to systematic improvement of educational programs, affords much promise in leading us into a new era for research and for the educational consumer. The National Institute can attract first-rate researchers from many disciplines such as psychology, economics, anthropology, etc., as well as talented educators. It could create a greatly improved environment for research administration and planning. It would be tragic if this promising agent for educational improvement became immersed in political or budgetary legerdemain. In this spirit, there is a strong need to keep the staffing patterns of the proposed National Institute as free from political influence as possible. The country deserves, and the educational community requires, the best from a National Institute, and the political affiliations of top staff are an irrelevancy.

CAN THE GOVERNMENT KEEP ITS PROMISE?

The credibility of the Federal Government is under serious and justified attack because of its failure to follow through on programs once they have begun. Title III of the Elementary and Secondary Education Act and the educational laboratories are only two of many programs that began with great expectations. In the second or third year of their efforts—their political glamour worn off—their favored place was taken in the Administration by new, bright, and shiny programs that are polished by hope and unsullied by experience.

The odds now seem to be against the realistic use of long-range educational planning for the foreseeable future at the Federal level. Although most everyone admits to the importance of planning in the abstract, the existing governmental organization or system is designed to inevitably frustrate it. There are simply too many persons, some at quite low levels in the hier-

archy, who have the power to change the signals on previous commitments and long-range programs. The plans designed in past years become the victims of persons who have no sense of history, or respect for programs begun before their entry upon the scene, but who are eager to push their own pet projects to "make their own mark" in Washington.

Outside the Office of Education, at the present time, there are at least five or six major sources of policy review identifiable within the Executive Branch itself. Reviews by the Secretary's Office of Program Planning, by Evaluation, by the Department's budgetary analysts, by the staff of the HEW Secretary, by the Bureau of the Budget, by various parts of the White House staff, etc., lead to many amendments and modifications. The number of these people and their participation in policy decision-making appear to be increasing daily. Moreover, they do not hestitate to exercise veto power over these programs. The multiplication of people who have authority to change programs but who leave others to face the often negative consequences of their actions is one of the most severe morale problems in government. Even after programs run this gauntlet, they must be reviewed again by the Congress where another variety of special interests are brought to bear on the programs.

Government officials have often been accused of being inconsistent in their policy statements and program decisions. Often such inconsistency is the result of the swirl of shifting alliances of power groups within government that throw up new policies like corks on the waves, and just as easily submerge those not in current favor. It would be a miracle if consistent planning for priorities could survive such a chaotic operation—and miracles are currently out of style.

It seems to me that until fundamental changes are made in the *unlimited* power of myriads of people to change or manipulate programs, budgets, and priorities of the Office of Education every few months, it will be impossible to carry out a program with long-range goals and objectives. As we start new programs again, and paint our bright portrait of what those new programs will accomplish, is there any reason to believe that the same cycle of excitement-frustration-despair will not be repeated by the way in which we make our future decisions? I think not, unless we adopt specific changes in procedure, such as those detailed below.

NATIONAL NEGLECT AND THE HANDICAPPED STUDENT

My interest in joining the Office of Education three years ago was to direct the then new Bureau of Education for the Handicapped. Although some substantial progress has been made during this time, there remains a glaring gap between need and national action for handicapped children of school and pre-school ages. Over half of the estimated 7,000,000 handicapped children in our nation are still not receiving needed special education services in our schools. The United States stands in unfavorable comparison to most of the countries of the civilized world in our educational and health provisions for handicapped children. To rank below the top ten nations in the prevention of infant mortality is one of the many sad statistics for a proud nation.

What is needed is not just small percentage annual increments in a $100 million program (currently representing an average investment of less than $20 per student), but a dramatic increase, representing a doubling or trebling of effort in a program that has proven itself to be effective, and has demonstrated its ability to encourage States to increase their own efforts. This program is small enough to profit materially and visibly from a major influx of funds, whereas the same amount might disappear without a trace in larger programs.

The program for handicapped children always seems to be too small, on a fiscal basis, to ever merit a major priority role in the Office of Education's budget plans, even though Congress has been quite favorably disposed to programs for the handicapped. The notion that we might double or triple the Federal effort for the handicapped may seem dramatic, but actually represents much less money than has been regularly moved back and forth in the budget checker game with larger programs.

POSSIBLE SOLUTIONS

I would not mention these problems if I did not think there were ways to solve them. There are some constructive steps that can be taken.

1. The Establishment of a Department of Education

No other major country in the Western world tries to combine the immense fields of health, education, and welfare into a single cabinet-level department. After three years in the Department of Health, Education and Welfare, it is easy to see why few other nations have been tempted to follow this example. The attached table shows that the budget of the Office of Education already exceeds that of five cabinet departments (Interior, Post Office, Commerce, Justice and State). We actually have within Health, Education and Welfare three separate operating departments bound together only by a burgeoning bureaucracy at the Secretarial level. A total of over 2,000 persons now operates out the the Office of the Secretary, originally conceived as merely a coordination service between the operating agencies of Health, Education and Welfare.

Education's share in the budget of the Department of Health, Education and Welfare has dropped from approximately 33 percent to 18 percent in the time I have been in Washington. In real dollars, our 1971 budget level is below our budget back in 1966. There is the further fact that the proportion of Federal contribution to the total educational costs has fallen from 8 percent to 5.5 percent in the last three years despite the major financial crises felt at the local and State levels.

This is not to say that the money given to Health and Welfare is not appropriate. It merely points up the difficulty that education has in competing within a single HEW budget. The tasks of the Office of Education are becoming more and more complicated by the additional layers of bureaucracy that must be negotiated to achieve effective programs. I cannot think of a single important reason why these three unlikely companions (health, education and welfare) share the same Department. Moreover, there are many other educational efforts being mounted in a large number of agencies with little or no coordination with the Office of Education or HEW.

The earlier HEW goal to have all of the basic three elements of the Department work together to deliver total service to the individual was found to be not viable, and was essentially abandoned some time ago. With different regulations, different local and State agencies, different guidelines, it does not seem likely that we can work toward a coordination objective within the total HEW Department any better than if each element (health, education, and welfare) were in a separate department. A cabinet-level Deprtment of Education would allow for the effective bringing together of the many Federal efforts in the education domain.

2. Helping the Government keep its promises

There is little hope of saving the bright priorities of last year's programs unless some type of protective environment is established for long-range educational programs of high priority. This means that both the Executive Branch and Congress would need to give tacit approval to the concept that perhaps 20 percent of the budget be set aside annually for long-range goals, and not be thrown each year into the same gladiatorial arena that the rest of the programs face.

Such a formula would earn the special blessing of those constituents in the Nation's school systems, universities and educational industries who would have the chance to accomplish something effective with some consistency of Federal support over a period of time. These constituents now have to face constant uncertainty, anxiety, changed signals and radical budget adjustments.

This protection of priority programs would not be a request for a free ride for these programs. On the contrary, the most stringent criteria would be applied before putting a program into this protective category, and a careful review could be made at a given point in time before any long-term renewal. It does mean that we wouldn't be yanking up the fragile educational plant every six months just to see how the roots were growing.

3. The acceptances of special Federal responsibilities

As a general rule, we should continue to strive to give maximum flexibility to local school administrators to use Federal funds. Education is too complicated a field to think that any one neat solution such as *revenue sharing* will meet all of the existing tough problems.

There are many valid reasons why we should provide some system of general support funds to the beleaguered educational agencies that would improve the general delivery of educational services to all students. In addition, a special Federal role seems clearly indicated in strengthening those components of the total educational system that lie beyond local resources such as research, training, and educational communication.

Not every school system can develop its own mathematics curriculum or develop the specialized tests to measure its effectiveness in improving student attitude. My experience with research and its specialized requirements and broad applications has convinced me that a major Federal initiative is an absolute must. State and local educational administrators have shown their inability to support such items in the face of the immediate and overriding pressures to provide needed educational services.

Not every community nor every State can provide entirely for the specialized needs of blind, deaf, cerebral palsied, or multiple handicapped children. The evidence is clear that special Federal assistance is required to insure that no child with these handicaps suffers because of an accident of residence or geographical location. The handicapped have always represented a kind of proving ground for the development of new approaches in education such as individualized instruction, clear establishment of behavioral objectives, the creative use of media, pre-school education, etc. Providing Federal initiatives in this program is more than a moral issue—it is sound national educational policy.

A legitimate debate could be held about whether education's major barrier is lack of *imagination* or poor *transportation* of ideas. We have many examples of excellent practices and programs, but few examples of the technique of how to move them from one place to another. A clear responsibility of the Federal Government is to invest heavily in dissemination of better ideas and practices. The means by which we can transport new ideas and new practices in education are complex and still some-

what obscure. We have some minor starts in small information systems, but there is a clear Federal responsibility to insure that good ideas and superior practices get from Portland to Austin, and from Long Beach to Utica. Programs of educational communication are not currently receiving more than token support—perhaps $10–$15 million in all.

I have occasionally felt that we in the government are actors in a badly written or badly produced play by a long-forgotten author. Good actors can disguise the flaws in the play for a while, while bad actors make them immediately apparent, but the flaws remain and merely changing the cast of characters doesn't help that much. We need to do something about the play, or in this instance the way in which decision-making occurs on educational matters in government. There will be few meaningful accomplishments in Federal education policy without this reform.

The President in his White House Message on Elementary and Secondary Education has called for educational reform, and well he might. A scattered and financially impoverished set of autonomous 20,000 local school districts was built for a bygone era, with simpler goals. We need to, as a nation, pull our educational system vigorously into the last half of the twentieth century. But we need educational reform at the Federal Government level as well.

Unless we can organize ourselves at the Federal level to keep our educational promises, to identify one clear spokesman for Federal education policy, to support and give leadership to special programs directly related to educational improvement (i.e., research, training, education communication, etc.) then the Federal Government may well be crying out for educational reform on the outside, when the needs for reform may be greatest on the inside of the Federal establishment.

CHART 1

1970 BUDGET AUTHORITY AND NUMBER OF PERMANENT PERSONNEL EMPLOYED AT THE END OF 1970 FOR CABINET-LEVEL DEPARTMENTS AND THE OFFICE OF EDUCATION

[Dollars in billions]

Departments and agencies	Fiscal year 1970 budget authority	Rank	Number of permanent personnel at end of 1970	Rank
Department of Defense	$74.5	1	[1] 1,196,600	1
Treasury	19.1	2	86,700	3
Agriculture	8.7	3	83,000	4
Transportation	7.9	4	63,600	5
Labor	4.9	5	10,300	11
Housing and Urban Development	4.6	6	14,900	10
Office of Education	3.8	7	3,030	12
Interior	1.8	8	59,300	6
Post Office	1.4	9	67,000	2
Commerce	1.0	10	25,600	8
Justice	.8	11	37,600	7
State	.4	12	23,900	9

[1] Includes 30,700 civilian and 1,165,900 military personnel.

EXTENDING PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT AND DELAYING DE-DESIGNATION OF COUNTIES

Mr. HARRIS. Mr. President, I support the extension for 1 year of the Public Works and Economic Development Act and a 1-year moratorium on the termination or modification of designations of areas or counties as redevelopment areas under that act. I strongly urge the passage, therefore, of Senate Joint Resolution 210, of which I am a cosponsor, and H.R. 15712.

Despite the fact that the Public Works and Economic Development Act has been funded considerably below the authorization level, it has been highly effective in my own State in giving communities the tools to work with toward needed economic development, toward building much needed new private jobs and other opportunities.

I believe that in the year which would follow the extension of this basic act, hearings can be held in more detail and improvements in the particular programs involved can be recommended.

But, Mr. President, at a time when national unemployment has risen to 5 percent, considerably higher among certain segments of our population and in certain underdeveloped areas of the country, this is not the time to allow this important economic development legislation to expire.

More particularly, this is not the time to dedesignate counties and areas of the country which have been, up to now, eligible for the special grants and loans and other programs available to them as redevelopment areas.

Five Oklahoma counties—Jefferson, Pittsburg, Pawnee, Wagoner, and Delaware—were among the counties dedesignated. On June 3, 1970, I wrote to the Secretary of Commerce, saying:

I certainly hope that you will act favorably on the suggested moratorium on de-designation in order to avoid creating undue hardships in these counties which have worked so hard over the past few years to solve some of their economic ills.

Thereafter, on June 11, I joined with the distinguished Senator from Minnesota (Mr. MONDALE), and other Senators in the introduction of Senate Joint Resolution 210, which would establish such a moratorium.

On Tuesday, June 16, 1970, I conducted a special day-long hearing in Wagoner, Okla., to determine what the people themselves in the five counties affected by the dedesignation announcement thought about these programs and what the effect of such dedesignation, if allowed to stand, would be.

Mr. President, I was tremendously impressed by the number of people who took part in that hearing on such short notice, by the careful preparation which had gone into the statements they presented and by the judgment and wisdom of what they had to say.

Also, I appreciate very much the fact that Mr. Stewart McClure, a member of the professional staff of the Senate Public Works Committee, was able to attend this hearing in Oklahoma and hear these excellent and highly useful statements, and the ensuing discussion, firsthand. I am grateful to the committee for permitting Mr. McClure to do this, and I know that what he learned will be very helpful to the committee in its deliberations.

Economic development officials from across Oklahoma, county officials in the five counties involved and a group of State legislators, headed by Speaker of the House Rex Privett and including Senators Raymond Horn and Bob Medearis and State representatives Vol Odom and Wiley Sparkman, participated in the Wagoner hearing on the effectiveness of the EDA program and the need to keep it operating at least at its present level in Oklahoma.

The hearing focused on the economic development efforts now underway in the five Oklahoma counties which will be dedesignated at the end of this month unless the legislation pending before the committee is enacted.

During that day, statements were made by Mr. L. B. Earp, executive director, Northeast Oklahoma Economic Development District and a very impressive delegation from Delaware County; Bill Hill, director, Kiamichi Economic Development District, and a very impressive delegation from Pittsburg County; Col. Homer G. Snodgrass, Jr., executive director, South Central Oklahoma Economic Development District, and a very impressive delegation from Jefferson County; Earl Price, executive director, Central Oklahoma Economic Development District, and a very impressive delegation from Pawnee County; and Mr. L. V. Watkins, executive director, Eastern Oklahoma Economic Development District, and a very impressive delegation from Wagoner County.

I was very much pleased to be able to announce at the beginning of the hearings that the battle had already been half won, because of the announcement by the Department of Commerce that it was going to suspend dedesignation pending action by the Congress on the legislation at present before the Senate Public Works Committee. Now we need swift action on this legislation, which will give us a 1-year breather.

The hearing in Oklahoma—an effort on my part to bring the Federal Government home to the people, to listen and to allow the people who know the most about these matters to express their opinions—proved to be highly successful. I intend to hold other such hearings in other parts of the State and on other subjects.

Several conclusions emerged: First, it was obvious that, because of the Public Works and Economic Development Act and related programs, an immense amount of volunteer self-help effort was being put forth in each of these counties, that people had gotten together and organized themselves to do things for themselves, to build up their own com-

munities, to improve employment and other opportunities. No price tag can be put on this effort, but it is obvious that this kind of Federal and local partnership is what this country needs a great deal more of. These local people and these local communities have been stimulated to take inventory of themselves, their problems and their assets, and they have gone to work to solve their problems and to capitalize on their assets—to achieve a better life for all their people.

Second, the programs involved in this act have had demonstrable effect in creating new private jobs. The testimony in the Oklahoma hearing gave specific instances of industries which had been built in communities because of water and sewerage facilities provided under this act or other such essentials for industrial development supplied as a result of it.

Third, it was strongly apparent that many communities would suffer greatly if their hopes and plans for economic and industrial development under this act were snuffed out because of dedesignation. In many instances, people had just begun to implement their carefully laid plans and this would all be to no avail if eligibility for this program is terminated.

But these hearings were important not only because of the specific legislation before the Senate Public Works Committee or the need to delay de-designation of these counties. It was also important for the suggestions which emerged that can be highly useful to the Congress as we consider changes and improvements in the basic law and programs in the future—after a 1-year extension of the law and of presently designated counties has been enacted.

There was highly worthwhile testimony concerning the need to more clearly announce national policy in favor of redistribution of people—that is, the need to improve opportunities throughout the Nation, not just in the cities, so that people can live where they want to live. Polls have indicated that a majority of Americans would rather live in smaller towns or cities, but less than one-third can do so because of the lack of opportunity to make a living there. L. V. Watkins, executive director, Northeast Oklahoma Economic Development District, spoke on this subject very eloquently, as did others.

Also, those who testified at the Oklahoma hearing made an incontrovertible case that the criteria for designating counties and areas must be changed. It was pointed out that rural counties are surveyed only once a year in regard to unemployment, and that this does not give a true picture of the situation. Moreover, since people in small communities pretty well know what the job opportunities are locally, they may not technically show up as an unemployed member of the "work force" because they have not applied for a job within 2 weeks prior to the time questioned. Census data, year old, is also not entirely satisfactory.

Suggestions were made for improvements in the law in regard to criteria used in designating redevelopment areas, and I believe that this testimony and these suggestions can be very helpful to Congress in the future, and I certainly commend them to the attention of Senators.

It was also suggested at the hearings that the designation of redevelopment areas should not be made on an annual basis. I agree that this period is unrealistic and that it undermines long-range planning. Further, it was pointed out that such annual reviews also have an adverse effect on the planning and programs of economic development districts, individual counties in which may be, from one year to the next, dedesignated.

The Oklahoma hearing was attended by more than 80 people. This shows the tremendous interest in these programs and the willingness of so many people to give their time and energies to the development of their own home communities. A tape recording was made of the full testimony and discussion at the Oklahoma hearing. When this has been transcribed, a copy will be furnished to the Senate Public Works Committee. In the meantime, Mr. President, I have the names of those from each county affected who made or presented statements at the Oklahoma hearing. I believe that these statements and the suggestions which they contain will be very helpful to this committee, and I ask unanimous consent that the agenda for the Oklahoma hearing, the names of those who made or presented statements and the prepared statements be printed in the RECORD at the conclusion of my remarks.

Mr. President, a large number of people in this country are out of work. Many of them in this country are working shorter hours. A lot of people are underemployed. This is not the time to slow down on the development of our human resources. This is not the time to slow down on economic and industrial development in the areas of the country which need it most. I, therefore, strongly recommended the extension of the Public Works and Economic Development Act for 1 year and a 1-year moratorium on dedesignation of any counties or areas presently designated as redevelopment areas, and, that in the future these programs be strengthened and improved.

I am sending a copy of this statement and attachments to each member of the Senate Public Works Committee, and I will present these Oklahoma views to the committee in person when hearings on this legislation are begun.

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

AGENDA

10:00. Opening statement by Senator Harris.

10:15. L. B. Earp, Executive Director, Northeast Oklahoma Economic Development District—Delegation from Delaware County.

11:00. Bill Hill, Director—Kiamichi Economic Development District—Delegation from Pittsburg County.

11:45–1:15. Lunch Break.

1:15. Colonel Snodgrass, Executive Director, South Central Oklahoma Economic Development District—Delegation from Jefferson County.

2:00. Earl Price, Executive Director, Central Oklahoma Economic Development District—Delegation from Pawnee County.

2:45. L. V. Watkins, Executive Director, Eastern Oklahoma Economic Development District—Delegation from Wagoner County.

3:00. Other witnesses and closing statement by Senator Harris.

WAGONER COUNTY

State Representative Vol Odom.

Mr. L. V. Watkins, Jr., Executive Director, Eastern Oklahoma Development District.

Mr. C. W. Woodward, President, Board of Education, Coweta Public Schools, Coweta, Oklahoma 74429.

Mr. H. E. Berry, Member of Board of Directors, Eastern Oklahoma Development District.

Mayor Bill Lancaster, Wagoner, Oklahoma.

Mr. Gerald Brown, County Commissioner, Wagoner, Oklahoma.

Mr. Jim Jamison, County Commissioner, Wagoner, Oklahoma.

Mr. J. T. Wood, County Commissioner, Wagoner, Oklahoma.

Mayor L. L. Nelms, City of Coweta, Oklahoma.

Mr. Cliff Dorsey, Member of Board of Directors, Eastern Oklahoma Development District, Wagoner, Oklahoma.

Mr. Fred L. Byers, Executive Director, Wa-Ro-Ma Tri-County Community, Action Foundation, Inc., Wagoner, Oklahoma.

STATEMENT BY L. V. WATKINS, JR., EXECUTIVE DIRECTOR, EASTERN OKLAHOMA DEVELOPMENT DISTRICT

Thank you Senator Harris for the opportunity to make our voice heard to the Senate of the United States. We may be wrong, but we feel that if the halls of Congress and the Dining Room of the White House could give the people more chances, like this, to speak on specific individual and related issues the country could move to a new level of understanding and achievement.

The subject you are here to discuss with us today is very close to the heart of many of our present social ills. The noted Economist, Alfred Marshall, made it clear as early as 1890 that the conditions of poverty intensity as population increases in congested areas and as population decreases in sparsely settled areas. It is simply a fact of resource allocation and income distribution.

Mr. Marshall's analysis has not been refuted to date, so I think it is about time we started addressing ourselves to its importance.

Once Congress addresses itself to the real causes of much of our present situation they will realize that there is an immediate necessity to help effectuate a more optimum allocation of people and economic activity over land space. They must help establish effective decision making capability to accomplish the task through legal and financial machinery.

Major tools for accomplishing this are as follows:

1. Changes in comparative advantages of rural areas to locate industry.

a. *Large public expenditures or investments.*

The alteration of resources through public expenditures can change the economic base and its attractiveness to industry of an area. Examples of this is the investment in the establishment of port and docking facilities along the Gulf Coast, and the development of the Tennessee, Arkansas, and Ohio River Valleys.

b. *Alteration of legal institutions.*

Public expenditures of this nature are not the only methods of altering the economic institutions that are effective in influencing industrial investments. The alteration of legal institutions affecting private investment that might be effective include a tax incentive for location or expansion of industry in rural areas. Another possibility is the differentiation of bank discount rates, for those areas not having sufficient industrial base to sustain themselves. Also, the availability of low interest capital loans or special

investment tax credits would be an inducement for decentralizing economic activities.

2. Change the social environment.

The necessity for a minimum amount of social services and amenities to attract and hold industry makes necessary the availability of funds not only for the actual location of industry, but also for the providing of satisfactory infrastructure to attract managerial and skilled labor force.

3. District funding.

In order to carry out the comprehensive planning function and provide some professional capabilities for guiding, social, and economic development, funds must be made available to substate districts. Such funds will also enable the District to survive until it evolves into a self-sustaining unit of government.

All are essential and all must be continuous until a more optimum balance is achieved between people, economic activity and land space. The EDA act provides these basic tools but to participate, a County must be eligible. This is where the rub comes in.

Wagoner County has identified a port site and industrial district.

Wagoner County communities have chosen industrial sites.

Wagoner County has identified its target poverty groups.

Wagoner County has identified many of its needs for community improvement.

Wagoner County is now ready to act, but now the Government tells them that the EDA program was just a tease and hide behind some very artificial figures to leave the County in a precarious position.

The people of Wagoner County and the Eastern Oklahoma Economic Development District are ready to do something about their situation and make a contribution to solving our national problems. They can not do it as long as they are victims of a system that pulls offspring, friend and neighbors (symbolically screaming in protest) to the congested poverty sections of cities of California, Illinois, and Missouri. The Congress of the United States must hear the voice of the people who want to help themselves and giving them the tools to do something about it.

COWETA PUBLIC SCHOOLS,
Coweta, Okla.

TO WHOM IT MAY CONCERN!

I feel and I'm sure that the majority of the people of Coweta and Wagoner County are proud of the prosperity and progress our county has shown in the last year. But at this time, I feel that the evaluation is superficial and misleading. Due to the type work that has been in progress in our county the last year such as:

1. The Arkansas River Navigation project which crosses our county.
2. The Muskogee Turnpike project which crosses Wagoner County.
3. The Coweta Waterworks project.
4. The Coweta Sewer project.

This has been very good for our economy in the County but at this time, several of these projects have been completed and the other remaining are nearing the end. At this time, we have nothing to replace the employment that these projects have stimulated. Therefore, we feel that the evaluation at this time is misleading and to get a true evaluation, it would be necessary to wait at least a year.

Sincerely yours,

C. W. WOODWARD,
President of the Board of Education.

COWETA PUBLIC SCHOOLS,
Coweta, Okla.

TO WHOM IT MAY CONCERN!

The Coweta Public Schools are the sponsor of a Neighborhood Facilities Project now in progress for the youth and senior citizens of our community.

At this phase of the project, the people of the community have invested money, work and many hours of planning to this much needed project.

Any loss in EDA at this time would put the project in a financial crisis that could not be overcome by the people of the Coweta School District.

Sincerely yours,

C. W. WOODWARD,
President of the Board of Education.

To Senator Fred Harris.
Subject Designation of Wagoner County as a redevelopment county.
Date June 16, 1970.

The programs now in operation in this area are beginning to build a broad economic base for development. This process is not a short range project, but a long range program which must be continued to generate the benefits desired.

Wagoner County has enjoyed an increase in employment and high wages connected with the navigation system and adjoining roadway network. This has caused a temporary boost in the local economy which the data to be redesignate Wagoner County as a redevelopment county is based upon. Therefore as a member of the Board of Eastern Oklahoma Development District I hereby request E.D.A. to redesignate Wagoner County as a redevelopment area. This is vital to the development of projects now being planned and also to the area.

H. E. BERRY,
Member of Board of Directors, Eastern Oklahoma Development District.

CITY OF WAGONER,
Wagoner, Okla., June 15, 1970.

Senator FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HARRIS: The need for the EDA assistance cannot be over-emphasized. The short time Wagoner County has been a redevelopment county and part of the Eastern Oklahoma Development District, it has not allowed for reorganizing and carrying out a full development program to completion. In the event the County is not redesignated. the development process will be greatly hampered. Several projects now in the development and planning stages will be set aside indefinitely.

Therefore, be it resolved that Wagoner County has had problems of unemployment, underemployment, and out-migration; and

Whereas, Wagoner County has commenced to be actively working for industrial and economic development; and

Whereas, Wagoner County does not have an adequate tax basis to finance projects for industrial development; and

Whereas, the Mayor of Wagoner hereby requests that Wagoner County be redesignated as a redevelopment county to receive the EDA funds to assist in the development process.

Yours sincerely.

BILL LANCASTER,
Mayor.

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF WAGONER COUNTY REQUESTING REDESIGNATION OF WAGONER COUNTY AS A REDEVELOPMENT COUNTY

The need for federal assistance on the many activities now coming to fruitation can not be overemphasized. The short time the county has been a redevelopment county has not allowed for organized and carrying out a sound development program to completion. In the event the county is not redesignated the development process will be greatly hampered. Several projects now in the planning stage must be set aside indefinitely. Other activities carried on by the Farmers Home Administration, the CAA program and EDA will be curtailed. Also this will affect business loans, new jobs and the economy in general.

Therefore be it resolved that Wagoner County has had problems of unemployment, underemployment and out migration, and;

Whereas; Wagoner County has commenced to actively work for industrial and economical development, and;

Whereas; Wagoner County does not have an adequate tax base to finance projects for development, and

Whereas; the figures used to compute criteria for a redevelopment county in Wagoner County have been affected by the construction of the waterway and roadways which is nearing completion, and the loss of, employment will adversely affect the economy of the county, and,

Whereas; the County Commissioners of Wagoner County hereby request to be redesignated as a redevelopment county to remain eligible for funds to assist in the development process,

Now, therefore, be it resolved by the Board of County Commissioners of Wagoner County that said board request Wagoner County to be redesignated as a redevelopment county.

Approved, this 15th day of June, 1970 by the Board of County Commissioners of Wagoner County.

GERALD BROWN,
JIM JAMISON,
J. T. WOOD

To: Senator Fred Harris.
From: City of Coweta, Okla.
Subject: Termination of Wagoner County designation in the EDA district.

The City of Coweta is currently being assisted by the Economic Development Administration in the construction of water treatment, storage and transmission facilities. It would have been very difficult, if not impossible, to complete this program of construction without the participation of the EDA.

In addition to the financial help we have received, the increase in the number of jobs in the Coweta Area and convenience offered to our lower income citizens have been a tremendous uplift to the community.

The development process is now beginning to help the people in Coweta, however the current data used as criteria to designate Wagoner County as a redevelopment county is greatly affected by the short term employment on the construction projects now taking place in the area. The growth and development of the county will be hampered should the county not be redesignated as an undeveloped area.

We respectfully request that you do all in your power to bring about a reconsideration of the decision to terminate the EDA designation in our area.

Respectfully,

Dr. L. L. NELMS,
Mayor, City of Coweta.

To: Senator Fred Harris.
Subject: Termination of Wagoner County designation in the EDA district.

The data used to compute the criteria for a redevelopment county does not affect the long-run economy because of the additional short term employment on the construction of the water-way and roadways in Wagoner County. When this construction is completed it will have an adverse affect on the employment rate and level of per capita income in the county. Therefore, I hereby request that Wagoner County be redesignated as a redevelopment county in order to continue the development process now under way.

Respectfully,

CLIFF DORSEY,
Member of Board of Directors From Wagoner County for Eastern Oklahoma
Porter, Okla., June 15, 1970.

CITY OF PORTER,
Porter, Okla., June 15, 1970.

Senator FRED R. HARRIS,
Washington, D.C.

DEAR SENATOR HARRIS: On behalf of the City of Porter and the Mayor, Mr. Bill Kilpatrick, we feel that Wagoner County needs the continuation support of the Economic Development Administration. Anything you can do for us on this will be deeply appreciated.

Sincerely yours,

HELEN NEWBERRY,
City Clerk.

To Senator Fred Harris.
From WA–RO–MA Tri-County Community Action Foundation, Inc.
Subject, Termination of Wagoner County Designation in the EDA district.

WA–RO–MA Tri-County Community Action Foundation, Inc. serves Wagoner, Rogers and Mayes counties on all OEO programs. We firmly believe that construction work in Wagoner County on such projects as the Arkansas River navigation, the Broken Arrow-Muskogee Turnpike as well as several sewer and water projects have in the past year, given a false profile to the economy in this county. These projects are either now completed or nearing completion and our unemployment is again on the rise. Unless Wagoner County is redesignated as an EDA county, the present stability of the economy in the county will deteriorate and that badly needed new industry could not be attracted. This would also severely affect the services our agency performs in locating and placing underprivileged persons in new jobs. Also several projects now in the planning stage for which loans and grants will be necessary to finalize will be dropped if the EDA designation is terminated. Therefore we urge you to do everything in your power to see that this county is redesignated.

Yours truly,

FRED L. BYERS,
Executive Director, WA–RO–MA Tri-County Community Action Foundation, Inc.

DELAWARE COUNTY

Mr. L. B. Earp, Executive Director, Northeast Oklahoma Economic Development District.

Mr. H. A. Berkey, Chairman of Board of Directors for Northeast Oklahoma Economic Development District.

Mr. Richard Lock, Attorney, Delaware County.

State Senator Clem McSpadden.

Mr. Don Goins, President, Jay Chamber of Commerce.

Mr. Gene A. Davis, Attorney, Jay, Oklahoma.

Mr. Dan Draper, Colcord, Oklahoma.

Mr. Lloyd Osborn.

Mr. Elmer Allen, Jay, Oklahoma.

Mr. Benny Cooper, County Commissioner, Delaware County.

State Representative Wiley Sparkman.

Mr. Fletcher Baker, Mayes County Chairman for Economic Development District.

TESTIMONY BY MR. L. B. EARP

SENATOR HARRIS: The Northeast Counties of Oklahoma Economic Development Association has been notified by the U.S. Department of Commerce, Economic Development Administration, that Delaware County, Oklahoma a member county of this District will be dedesignated as a redevelopment county as of June 30, 1970. This will make the county ineligible for EDA loans and grants; it will reduce participation by HUD from ¾ to ⅓ eligibility on Neighborhood Facility projects, and will probably cause two such programs be shelved, one submitted and one being prepared for submission at this time. It will greatly affect the county in its industrial efforts, its social and environmental growth.

As you are aware, EDA has various criteria used to qualify counties as redevelopment areas, and the employment rate is a major factor. The Oklahoma Employment Security Division of the Department of Labor's statistics show the 1969 annual average unemployment rate for Delaware County to be 5.5% and 6.0% or more is required to maintain designation.

I, as the Executive Director of the Northeast Counties of Oklahoma Economic Development Association, question the validity of these statistics for the following reasons:

(1) The relationship between total labor force and the total population in Delaware County for 1969 was 21.5% in comparison with 38.3% for Ottawa and 30.0% for Mayes Counties, which adjoin Delaware County and both are Redevelopment Counties and members of the NECO District (see attached table.) We at NECO feel certain there are more employable persons in the county, but for various reasons they are not being counted or shown in the total labor force statistics.

(2) The total unemployment statistic may not be a true count because unemployed persons that have not worked for a covered employer may not show in the data prepared by the Oklahoma Employment Security Division.

(3) The county does not have an employment office, but once a week a representative from the Oklahoma Employment office from Pryor, Oklahoma, Mayes County, some 40 miles from the County Seat of Delaware County, visits the county to register those who have unemployment claims. They also take applications for employment, but these applicants are *not* counted even if they are unemployed unless they come under the Act.

(4) Many people living in Delaware County, Oklahoma have mailing addresses in towns immediately outside the county such as Siloam Springs and Mayesville in Arkansas; Southwest City and Tiff City in Missouri; and Salina in Mayes County, Oklahoma.

(I wonder how many people are lost from Delaware County because of the above. Especially when the projected population for Delaware County has been 14,100 and the preliminary U.S. Census shows 16,198. A difference of 2,098 people.)

Delaware County is one of the poorest and socially deprived counties in the State and we can not believe that it is the purpose or intent of the EDA criteria to *dedesignate* a county at this level of development.

I therefore, Senator Harris, recommend the passage of the Moratorium Amendment to the Public Works and Economic Development Act of 1965 which allows no counties to be designated after June 1, 1970 through June 30, 1971 unless the individual county government request the dedesignation action directly to the U.S. Department of Commerce.

L. B. EARP,
Executive Director.

TOTAL LABOR FORCE, 1969, PRELIMINARY COUNTY POPULATION, 1970, PERCENTAGE

County	Preliminary population census, 1970	Total labor force annual average, 1969	Labor force ratio to population (percent)
Craig	14,328	[1] 5,780	40.3
Delaware	16,794	3,620	21.55
Mayes	22,552	6,770	30.0
Nowata	9,481	2,560	27.0
Ottawa	29,561	11,350	38.3
Rogers	27,463	5,960	21.7

[1] Annual average not available; June 1969.

TESTIMONY BY H. A. BERKEY

Senator Harris: I am Harry Berkey, Chairman of the Board of Directors of the Northeast Counties of Oklahoma Economic Development Association and we are vitally interested in retaining the designation of Delaware County. Delaware County is part of our District and as with the other six counties forms an interlocking partnership for the well-being, advancement and progress of this Northeastern corner of Oklahoma. In addition this county with two others, border on the Eastern Oklahoma Development District with whom we cooperate and coordinate several of our activities.

The overall program for the seven-county NECO area has developed so broadly in so many sectors of the business, social and industrial life of the people and the District that there is continuous activity for staff members, board members and involved persons ranging from preliminary discussions of potentials and possibilities to either applications for assistance from state and Federal agencies or assistance in self-help programs in some situations.

Efforts in the District have been directed toward and through all Federal and state agencies. Coordination for maximum results of effort has become a byword in all our operations. Our major line of approach for the majority of our projects has been through the EDA Basic Grant. Often we have wished for more availability of EDA assistance where real need has and does exist, but eligibility is lacking for the town, city or county involved. There is a need for a longer time span after an area is started on the road to recovery prior to casting it loose without support. This sudden reduction of support can be a shock similar to reduction of care to a surgery patient. It is fine to stimulate growth, but it must be nurtured longer than is available in many cases.

Our efforts throughout the District also include a cooperative area wide Comprehensive Health Plan with Eastern Oklahoma Economic Development District; a district wide crime control coordination program; A Public Service Careers Program is in the proposal process; and a Farm Products Marketing Assistance Program is being formulated in cooperation with Mid-America, Inc. of Parsons, Kansas.

Stimulation of economy, increase in jobs is a fine goal if it continues through a longer span of time, but more important in some instances is increasing the *potentials* for jobs two to ten years in the future—in many cases for the sons and daughters of today's job seekers. Development on a long range basis will possibly reduce the reoccurance of a similar need for assistance ten to fifteen years from now.

In view of the foregoing paragraph, we are working desperately to bring our area Vo-Tech Centers into being. We hope to bring skills to the hands and minds of the students of these schools that will encourage industry and business to locate, remain and expand in the local area; thus, restoring the people so desperately needed—our young—energetic, ambitious and progressive.

The effects of NECO, EDA and other Federal agencies are coming to the fore more each day. This has been a period of education, coercion, example and plain everyday hard work. Effort expended over the past four years is showing greater results with the passage of time. Acceptance, support and utilization of NECO and its efforts is increasing throughout the seven county area. Skeptics are now boosters and see the advantages of EDA that were not apparent in the past. We feel that our hard work is paying off and that we are a valuable asset to both the District and EDA. Full utilization of the benefits of EDA and where possible other Federal agencies, to a still greater degree will be more

important in the future if progressive, flexible and aggressive effort is maintained, in fact- broadened.

The loss of Delaware County would be a serious blow to the overall progress in the District. While there has been progress, this county has a long way to go before it is moving ahead as steadily as it should be. Growth and development of such rural areas with few centers of population require more tender care and nourishment than the more densely populated areas do. Effects are often not as noticeable and people are more easily lost, overlooked or forgotten. It is vital to both Delaware County and the District that the opportunity move forward is retained.

I could list the benefits we have received from EDA and related programs, and I could list the jobs created and saved, but this information is not necessary here. I do wish to stress that EDA has offered opportunity and solid assistance. We need more of the same and, if possible, on a broader more flexible scale. We are not satisfied with our accomplishments, simply because there is so much to be done. The need for assistance still exists and will continue to exist. Lessening of assistance or curtailment of effort will be detrimental almost to the state of catastrophe. The patient is improving, but is not yet well enough to stand alone.

We of NECO whole hearted support and recommend the proposed Moratorium that will retain a designated status for Delaware County and reiterate the need for the continuation, broadening and increase of emphasis of the EDA program.

Once again, please accept the thanks of our Board and myself for the opportunity to comment—to say "thanks" to EDA and to plead for continuation of the effort.

H. A. BERKEY,
Chairman, Northeast Counties of Oklahoma Economic Development Association.

RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS, DELAWARE COUNTY, STATE OF OKLAHOMA

Whereas, pursuant to the Public Works and Economic Development Act of 1965, the Department of Commerce has heretofore designated Delaware County, State of Oklahoma as a Title IV Redevelopment County.

Whereas, by being so designated, Delaware County, State of Oklahoma is now, and has been eligible, and has received grants for public works and development facilities, which has aided and is aiding in the economic development of said County.

Whereas, pursuant to notice heretofore received, Delaware County, State of Oklahoma will be dedesignated as a Title IV Redevelopment County on or about June 30, 1970.

Whereas, there is now pending in the Congress of the United States an amendment to the Public Works and Economic Development Act of 1965, which will extend the Act for one (1) year, and a further amendment to establish a moratorium on dedesignation, proving that no county shall be dedesignated after June 1, 1970 thru June 30, 1971.

Whereas, in light of the present economic situation facing our Nation of tight money, increased interest rates, rising unemployment, and a sagging economy, all of which factors are prevalent in Delaware County, State of Oklahoma, making it all the more necessary that Delaware County maintain its designation as a Title IV Redevelopment County.

Now therefore, be it resolved that the Congress of the United States of America be urged with utmost speed to enact appropriate legislation that will effectively maintain Delaware County's status as a Title IV Redevelopment County, so that the critical problems of employment, income and out migration may be alleviated through the continued use of those programs administered through EDA of which Delaware County is in such dire need.

Done in open meeting this 15th day of June, 1970.

BOARD OF COUNTY COMMISSIONERS, DELAWARE COUNTY, STATE OF OKLAHOMA,
STIRL L. POTTER, *Chairman.*
Attest:

SAM FIELDS,
County Clerk-Secretary.

TESTIMONY BY THE HONORABLE STATE SENATOR CLEM MCSPADDEN

Senator Harris: I am fully aware of the conditions, both economically and socially, of Delaware County and I am highly concerned as to the method of statistics gathered by the Department of Labor in a rural county such as Delaware County, where I personally know that you can visit the Kenwood Reserve, a heavily populated Indian reserve in Delaware County, and count more than 250 adults who are unemployed and that the Welfare roll has risen during the past year and I favorably recommend and endorse the Moratorium Amendment and favorable legislation be passed to continue the eligibility of Delaware County as a redevelopment county.

I challenge the statistics of the Department of Labor as to the number of unemployed people in Delaware County and any other rural county of the United States with similar geographic and population characteristics; one whereby there is no permanent employment office, one whereby there are not enough permanent jobs to create this rate of employment; one whereby seasonal jobs and temporary jobs exist to the minimum; one whereby the population has grown from 1960 to 1970 by approximately 3,000; one whereby 300 highschool seniors graduated in May with no new jobs or industries for them to enter and whereby the national trend of unemployment has risen from 3.6% in January of 1970 to 5% in May, 1970. Whereby two years ago in 1968 the unemployment statistics show the average of 5.6% unemployment and with a resurvey of the months of January through June of 1969 the average of unemployment raised to 8.8% for the month of June and for this six months period averaged 7.1% and whereby no appreciative new industries have been established in the county; I therefore, recommend to Senator Harris of the United States Senate from the State of Oklahoma that the methods by which counties are designated or dedesignated be challenged and a revamping or new methods be established that are more realistic in Rural America and if the Public Works and Economic Development Act of 1968 is extended, that the Moratorium Amendment be passed by the United States Legislature and that Delaware and the other four counties of Oklahoma continue their eligibility on the basis of a re-development county as defined by the Public Works and Economic Development Act of 1965.

CLEM MCSPADDEN,
Senator, Oklahoma State Legislature.
CHELSEA, OKLA.

TESTIMONY BY MR. DON GOINS

Senator Harris: As President of the Jay Chamber of Commerce, Jay, Oklahoma, I request you to do all in your power to extend the EDA Act for one year and that you use all energies and resources you can muster to retain Delaware County as an EDA designated county and that the Moratorium Amendment co-sponsored by you be passed.

The economic conditions of Jay and Delaware County are sick and deteriorating. I have seen the county from within as a business man in the building trade, and I am speaking with authority as to the conditions of Delaware County. We are steadily working to improve our county, but without the aid of EDA and other Federal agencies, our efforts will be stymied.

I therefore request and recommend that the Moratorium Amendment be passed and Delaware County remain eligible for the EDA program.

DON GOINS,
President, Jay Chamber of Commerce.
JAY, OKLA.

TESTIMONY BY GENE DAVIS

Senator Harris: Delaware County of Oklahoma is prematurely being cast upon its own resources if it is dedesignated as a redevelopment county. There have been gains and some improvement, but no visible evidence that the county can proceed without further assistance.

In checking statistics and forming a comparison utilizing the tables in *Handbook for Labor Force Data Selected Areas of Oklahoma,* Oklahoma Employment Security Commission the attached graph was formulated. Fluctuation indicates while there is some base of permanent employment, it is not sufficient to support the population of the area. The graph indicates seasonal and temporary employment for approximately 30% of those involved in the unemployment statistics. This is of course a fluid and flexible group. There is also other indications of residents commuting outside the county area for employment to Ottawa County (Miami area), Joplin, Missouri and several small areas in Arkansas.

The 1970 preliminary census figures indicate exactly 3,000 or 22.8% more population in Delaware County than there was in 1960. For statistical purposes approximately 20% of the population is apparently considered in the county labor force. When making comparisons in one example—1964 and 1965—a loss of 60 to the labor force was indicated. This would indicate that not only was there no average annual labor force again—it was in fact a loss of 120 to the labor force.

The above argument is not realistic nor sound, but it is included here to indicate that the basis upon which the assistance and welfare for several thousands of people is predicated is also unsound, unrealistic and unwieldy. It indicates that a more reasonable, flexible method of determining need for assistance, and value to the nation as a whole, is necessary.

There is no question that the need exists. There is a definite need for satisfying these people and thereby improving the state and in turn the county. The assistance rendered by EDA and other Federal programs in Delaware County is beginning to show results and is proving its worth. The problem is that the assistance is too narrowly applied and not continued on some basis until there is a firm solid foundation from which the area may continue.

Dedesignation of Delaware County will render any assistance to the county a mortal blow. Not only will EDA programs be nullified, but *every* federal program will be reduced or killed. There are many sources of effort being applied in the county and in some respect nearly all are dependent on EDA designation or assistance. To remove the designation at this time will be detrimental to every potential or possible gain this county has or can make.

I speak from experience and broad knowledge of the county and its residents. I am a member of the Grand Lake Planning Commission as well as a lawyer with a county-wide practice.

It is possible that the prospect for a new industry we are meeting with later today will not be able to locate in the county due to our inability to offer him the assistance he may need and we have been working for a year to develop a project.

When this program goes—there also goes several years of hard work for many people.

Efforts expended to bring the county to a level where it can begin to attract industry and commerce—will all go down the drain because we are not yet self sufficient nor able to do without assistance.

Mr. Senator, I appeal to you, and to others interested in our well being and progress, to not only make this Moratorium a fact, but to take positive action to bring about a new, broader, more flexible and progressive program for the future for Delaware County and other counties in similar situations. I suggest that the Economic Development District concept should be broadened to include the onestop service that is so vital to all our counties. The umbrella of information and assistance that we need should be available to us through one source if at all possible—if for no other reason than ease of access and reduction of time and cost, but whatever else is contemplated, we must have the assistance offered and promised and now apparently to be terminated before fruition.

GENE DAVIS,
Attorney at law.

JAY, OKLA.

PITTSBURG COUNTY

Mr. Bill Hill, Executive Director, Kiamichi Economic Development District.

Mr. Ed Long, Assistant City Manager, McAlester, Oklahoma.

Mr. Al Donnell, Division of McAlester Regional Heath Center Authority.

Mr. Joe Hauss, Assistant to Director of Model Cities Program, McAlester, Oklahoma.

Mr. Ray Curliss, Executive Director, Urban Renewal Authority.

Mr. Champ Hodgens, County Commissioner.

Mr. Bob Wright, Chamber of Commerce, McAlester, Oklahoma.

STATISTICAL INFORMATION CONCERNING THE SEVEN-COUNTY SOUTHEASTERN OKLAHOMA KEDDO AREA, PRESENTED BY BILL HILL

M'CURTAIN COUNTY

McCurtain County is a redevelopment area with a very low economic base. This is illustrated by several factors in the history of McCurtain County. The prime reason for the sagging economy is the lack of full utilization of its natural resources, of which water is the most important. Through improved industrial utilization of water throughout the county the economic base can be raised.

The population of McCurtain County in 1960 was 25,851. In 1966 it was 28,300, a gain of 2,499. Population figures from 1950 to 1960 show a decrease in population of 5,737 residents. The average and/or median income of the families in McCurtain County in 1960 was $2,455, compared to $3,890 in the State of Oklahoma. In 1965 this county had a 6.9% unemployment figure. In 1967 the unemployment figure dropped to 6.1%. These figures compare to national averages of a 4.6% unemployment rate and average annually family income of $5,660.

LEFLORE COUNTY

LeFlore County population in 1950 was 35,276; in 1960 the county showed 29,106 residents. These figures represent a loss of 6,170 people in a ten-year duration. The median family income for LeFlore County in 1960 was $2,648, compared to $3,890 in the State of Oklahoma.

In 1960 this county had an appalling unemployment rate of 9%. In 1967 the unemployment figure dropped to 7.7%. These statistics compare to national averages of 4.6% unemployment and average annual family income of $5,660.

CHOCTAW COUNTY

Choctaw County in 1950 had a population count of 20,405. In 1960 this county census showed population of 15,637, representing a loss of 24% of its people in one decade.

The average or median income of families in Choctaw County was $2,239 in 1960. This is 43% below the average family income for Oklahoma which, in itself, was below the national family income. In 1960 the county encountered a 7.1% unemployment statistic. In 1965 the unemployment increased to 8.9%, with a 4.6% unemployment nationally.

PUSHMATAHA COUNTY

Pushmataha County had 12,001 residents in 1950; 9,088 residents in 1960, representing a decrease in population of 24.3%. The population of Pushmataha County was estimated to be 9,200 in July 1967 by the Oklahoma Employment Security Commission. This represents a gain of 112 persons from the 1960 census.

The 1960 U.S. Census of Population figures indicate that Pushmataha County had 66.1% of its families earning under $3,000. The U.S. had 21.4% of its families earning under this same figure. The unemployment figure was 7.1% in 1965 according to the Oklahoma Security Commission. The national figure was 4.6% that same year.

LATIMER COUNTY

Latimer County is a redevelopment county which has an extremely low economic base. This is demonstrated by an extremely high unemployment rate of 10.7% in 1966, and an average annual family income of $2,618 in 1959. These figures compare to national averages of 4.6% unemployment rate and an average annual family income of $5,660.

Population in this county was estimated at 8,500 by the Oklahoma Security Commission in 1966. This represents an increase of 762 citizens in six years. The labor force in Latimer County is predominantly agriculturally oriented. These are unskilled people who exist on small unproductive acreages.

HASKELL COUNTY

In Haskell County the median family income in 1960 was $2,247. This county rated 72nd on median family income among the 77 counties in the State of Oklahoma.

In 1960 the population was 9,121; in 1950 it was 13,313, and in 1966 it was 9,500. In 1930 the median age was 19.1 and in 1960 it was 34.7. Unemployment in 1960 was 7.7%, and in 1965 it was estimated by the Oklahoma Security Commission at 15.1%.

SYNOPSIS

This report reveals an unusually high rate of unemployment and low per capita income within the KEDDO District. The overall economy of the District is substantially lower than our nation. This low economic base makes local development ineffective without the efforts and assistance of an overall coordinated local-state-national program.

MCALESTER CHAMBER OF COMMERCE & AGRICULTURE

(For Presentation to the Senate Public Works Committee in Washington, D.C.)

Subject: Possible termination of Pittsburg County, Okla., by the Economic Development Administration.

This statement is from the Pittsburg County Commissioners, The City of McAlester, McAlester Foundation and the McAlester Chamber of Commerce and Agriculture. It has been prepared by Chamber Manager Bob Wright in cooperation with County Commissioners Russell Benton, Jim Lewallen and Champ Hodgens; City Manager Don Grimes; McAlester Foundation President Dick Hefton and others who are directly involved in the economic development of Pittsburg County and the surrounding area.

This statement is for the following purposes:

1. To urge the Senate Public Works Committee to support Pittsburg County, Oklahoma as an E.D.A. County.

2. To urge thorough consideration of all facts contained, herein, which are based upon current surveys.

GENERAL STATEMENT

McAlester, which is the county seat of Pittsburg County, has been designated as the economic growth center of Southeastern Oklahoma, by E.D.A., although it is a community of less than 19,000 population according to the recent census figures. This is because the seven counties which make up the Economic Development District of K.E.D.D.O. are basically rural and economically underdeveloped.

Although much progress has been made in developing the economy of this area during the past several years, we are now at a point where it is definitely declining and the result is being felt throughout Southeastern Oklahoma because area people have depended upon industries of Pittsburg County for job opportunities in order to support their families.

The United States Naval Ammunition Depot, which is located just 8 miles south of McAlester, employed some 3,620 persons in January 1969. However, due to the deescalation of the Viet Nam War, the Department of Defense has reduced the number of employees to 2,563 as of this date, a loss of 1,057 jobs and according to D.O.D. projections there will only be 2,000 persons employed by March 1, 1971. This represents another loss of 563 jobs during the next 9 months, by one industry, alone.

Now we are faced with the possibility of an even greater cutback at the Naval Ammunition Depot, which could cause employment to drop as low as 1,169 by July of 1971. If this occurs The Depot's annual payroll will have been reduced in just 30 months, from a high of $22,500,000.00 to a low of $8,100,000.00 with a total loss of $14,400,000.00 in salaries and 2,451 jobs.

Both Lockheed and North American Rockwell Corporation have added greatly to the economy of Pittsburg County during the past 7 years, but both have been adversely affected recently by cancellation of contracts and cutbacks in government programs, to the point that both are far below normal employment. Some 140 jobs have been deleted by these companies.

Oklahoma Aerotronics, Inc., another Pittsburg County Industry, which is located in Hartshorne, Oklahoma, may close its doors because it, too, has been dependent upon defense oriented contracts. This will cost the county another 225 jobs.

Both the McAlester Foundation and the City's Industrial Trust Authority are nonprofit corporations which dedicate their entire efforts to industrial development. They are working together, at this time, for the development of a nearly 500 acre tract of land, into an industrial park. Purpose of the project is to attract new industry to this area in order to provide job opportunities for our citizens. E.D.A.'s help is much needed and our efforts will be lost without it.

McAlester's Model Cities Program will suffer greatly from lack of E.D.A. Funds and construction of a General Hospital which will be part of a health and social services complex for serving all of Southeastern Oklahoma will be severely delayed and possibly stopped, completely. Proposed E.D.A. participation is $3,500,000.00. A side effect from failure to construct the hospital would be the loss of a proposed Mental Health Center consisting of $1,000,000.00 construction project and a $900,000.00 annual payroll. (The latter would result from loss of E.D.A. Funds, coupled with efforts to drastically cut the National Institute of Mental Health 1970–71 budget.)

These cutbacks could cause loss of 600 direct jobs, numerous support jobs and general economic upgrading of the entire area. This would cost McAlester and Pittsburg County an estimated additional loss of $4,000,000.00 per year.

Availability of E.D.A. Funds will not only provide a stable source of employment op-

portunity, but the center will be accessible to all citizens of Southeastern Oklahoma and will have tremendous impact upon the quality of mental health, public health and hospital services throughout KEDDO.

In rural Pittsburg County E.D.A. Funds have been available in the past for construction of water treatment plants and access roads to industrial properties. If this source of funding is eliminated thousands of our county residents will be deprived of a dependable source of clean drinking water, as well as reasonable access to industrial jobs when and if they are available.

Only two weeks ago today, a team of eleven persons from the Office of Economic Adjustment from Washington D.C. met with citizens of Pittsburg County to make an economic survey of the area. Their purpose was to determine what we could do to help ourselves in overcoming the terrific loss of jobs, which is now occurring and will continue for the next year at least. Although the final report of recommendations is yet to come, reference was constantly made to the possibility of acquiring funds from the Economic Development Administration to bring about the needed developments. We sincerely believe that reference would not have been made to E.D.A. if these gentlemen did not believe we were deserving of its benefits.

CONCLUSION

In behalf of the 36,684 some citizens of Pittsburg County we thank the members of the Senate Public Works Committee for hearing this testimony and urge them to do everything within their power to prolong the benefits of E.D.A. to Pittsburg County, because of the instability of its economy and constantly rising unemployment in the area, which now has reached 7.7 percent.

BOB WRIGHT,
Manager, McAlester Chamber of Commerce and Agriculture.

June 16, 1970.

JEFFERSON COUNTY

Mr. George L. Anderson.

Mr. Richard Chiles, Waurika Chamber of Commerce.

Mr. Donald J. Morrison, Waurika News Democrat.

Colonel Homer Snodgrass, Jr., Executive Director, South Central Oklahoma Economic Development District.

ASSOCIATION SOUTH CENTRAL OKLAHOMA GOVERNMENTS,
Duncan, Okla., June 15, 1970.

Hon. FRED R. HARRIS,
U.S. Senator,
U.S. Capitol,
Washington, D.C.

DEAR SENATOR HARRIS: This relates to the recent decision at Departmental level to terminate the designation of Jefferson County, Oklahoma as a Title IV (depressed area) County, effective June 30, 1970.

The governing Board of County Commissioners of Jefferson County, to wit—A. L. Wagner, Ike Roberts, and I. E. Phelps, meeting in emergency session at 10:30 a.m., this date, asks that I speak for and in their behalf on the absolute necessity for retaining Jefferson County as a designated Title IV County.

The Association of South Central Oklahoma Governments was formed after more than two years of hard work on the part of dozens of interested and dedicated volunteer community leaders. The ASCOG district was officially recognized in April 1969 and designated as an EDA district in July 1969. Key to this designation was the fact that Jefferson County is one of two Title IV counties in the eight-county geographical area.

The notification that Jefferson County is losing its Title IV designation comes at a time when the census revealed a population loss of more than 16 percent during the last decade, when the average per capita income in the county is less than 50 percent of the national average, when the average weekly earnings are less than $56, when median age of the population is 10 years above the national average, and when the labor force participation rate is only 40 percent. This loss of designation decision is apparently based on unemployment data collected during the peak year of an inflation period; not upon evidences that this county has entered the mainstream of the Nation's economy or, for that matter, experienced any stable economic growth.

The picture painted by high out-migration and low incomes combined with a known reluctance to migrate is particularly disturbing. The economic distress is exemplified by the 10 women who commute 90 miles each day from Ringing in Jefferson County to work at minimum wages in a clothing factory in Marietta, Oklahoma. Out-migration comes only after all marginal job opportunities such as this example are exhausted.

The Economic Development District program is one of the most imaginative and innovative programs to be fostered and promoted at the national level. It provides a mechanism for the solution of local problems on a multi-county basis. But, this organization is also concerned that the fate of the district program is so tenuous as to be endangered by a change in the unemployment rate affecting as few as 35 to 40 people as exemplified by decision to dedesignate Jefferson County. The years of hard, dedicated efforts by several hundred people in this district which have gone into the organization, promotion, and stimulation of the program throughout this region and now face the fate of being wasted time and energy comes as a low blow. I submit that economic development is a long-term activity, and that the criteria for determining the need for continued assistance should be evidence of stable economic growth—not short-term fluctuations of the business cycle.

The district concept is new and challenges the local leadership and, consequently, has not always been easy to promote, but local interest has been aroused and favorable strides have been taken toward organizing the program and making it an effective "change agent" in this section of Oklahoma. Our initial successes with the EDA district program have been laudable. One indication has been the interest of local communities to communicate more closely with their neighbors and work together in areas where they have mutual interests or objectives.

The EDA program benefits have been of considerable assistance in designing an economic growth and development strategy and implementation program for the district—particularly the public works, business development, and technical assistance programs. However, the ease and flexibility of the district program in allowing and providing assistance to local communities for whatever development objectives they may undertake has been one of the greatest benefits to this section of rural Oklahoma.

Provision of a mechanism and organization through which local communities can function and cooperate on a regional basis is perhaps the greatest single benefit which has been acquired through EDA assistance. Conversely, these recent developments now threaten the organization's continued existence and this is of major concern to local leaders who have contributed to the development of this program.

The decision made to discontinue the designation of Jefferson County as a Title IV County, if permitted to stand, literally kills the ASCOG EDA district and in effect flushes more than two years of preparation for progress down the drain.

Insofar as Jefferson County's being a depressed area is concerned—a brief analysis of the attached fact sheet supports a conclusion that the county is resplendent with factors leading to decline and conversely, one sorely in need of seed money in the form of federal assistance to spark progress.

Sincerely,

HOMER G. SNODGRASS, Jr.,
Executive Director.

FACTS ABOUT JEFFERSON COUNTY

1. Between 1960 and 1970 the population of Jefferson County dropped from 8,192 to 6,887; this represents a 16% population loss.

2. Between 1960 and 1970 there were 900 births and 1,100 deaths in Jefferson County. It is truly extraordinary for deaths to exceed births in a county.

3. The median age of the Jefferson County population (40.3) is 10 years above the national average (29.5).

4. In 1962 the per capita income of Jefferson County was $1,112, which was $1,256 below the national average. In 1968, it was $1,568 or $1,853 below that average.

5. The 1960 Census of Housing showed that 41% of the Jefferson County housing units were not in sound condition. The national rate was 19%.

6. Per 100,000 live births in Jefferson County, there were 2,127 infant deaths in 1964, compared to a national norm of 1,700.

7. The average income cutoff distinguishing poor from non-poor stood at $2,529 in Jefferson County in 1966. Out of a total of 2,084 families in the county, 800 or 38.4% were poor by the above criterion. The national poverty rate was 15.1%.

ADDITIONAL THOUGHTS ON EDA DISTRICT PROGRAM

The Economic Development District program has provided a remarkable new mechanism for economic growth and progress in South Central Oklahoma, but serious inequities and shortcomings of the legislation and administrative guidelines endanger the program and hamstring, to some degree, a progressive ongoing development effort.

As has been exemplified by the impending loss of designation for Jefferson County, the longevity of the program and its potential impact on the area is tenuous by the simple fact that the redevelopment counties hang on a year-to-year existence. Even more amazing is the fact that this loss of designation, from our observations, is based upon 32 people, changing from an annual estimated unemployment of 130 (6.1 percent) in 1968 to an annual estimated unemployment of 100 (4.7) percent in 1969.

The procedure for determination of unemployment rates as prescribed by the U.S. Department of Labor are not reflective of the conditions as they exist in a rural area. Employees of the Oklahoma State Employment Service have advised that Jefferson County has always presented a problem due to the scarcity of Jobs in the labor force covered by the Employment Security Act. As well, the filing of unemployment claims appears to be the only tangible guide on which unemployment numbers and rates are evaluated. All other aspects of the determination are estimated based upon guidelines prescribed by the Department of Labor and these procedures are definitely designed more for an urban metropolitan area than for a rural agricultural economic base.

The Oklahoma State Employment Service has advised the U.S. Department of Labor that this procedure is inequitable when evaluating economic conditions in rural Oklahoma and can act in a very negative sense.

The instability of the county designations seriously endangers the Economic Development District for this area since two Title IV Redevelopment Areas are required for the formation and continuation of a District and these annual county designation changes

place the existence of the ASCOG organization on a year-to-year basis.

A dynamic and progressive program of economic growth and development cannot be pursued on a year-to-year basis. The organization and the program must have some degree of longevity and credibility if it is to have significant effect upon the economic growth and development of the District.

It is therefore recommended that:

(1) No termination of eligibility be made for a county which is a participating signatory of a formally designated Economic Development District or until such time that the per capita income of the District equates to that of the national average and/or

(2) Make the entire area of a formally designated Economic Development District eligible for total EDA program eligibility with project approval and financing based upon need and impact.

CITY OF WAURIKA,
Waurika, Okla., June 15, 1970.

Senator FRED R. HARRIS,
Washington, D.C.

DEAR MR. HARRIS: The information that we have received concerning our county's designation as a Title 4 eligible county has come to us as quite a surprise. The situation in Jefferson County, by almost any yard stick that you may desire to use, falls far short of the mainstream of either the State or National economy.

We have appreciated the economic assistance that has been available through EDA programs in the past and have been looking forward to its assistance in the future. We feel certain that if Waurika and Jefferson County is to lay a sound economic base and provide the jobs that our economy demands we must have EDA's continued support. Because of this we would like to ask that you support our efforts to maintain our present Title 4 status.

Very truly yours,

GEORGE S. ANDERSON,
Mayor, City of Waurika, Okla.

WAURIKA DEVELOPMENT TRUST,
Waurika, Okla., June 15, 1970.

Senator FRED R. HARRIS,
Washington, D.C.

DEAR SENATOR HARRIS: The Waurika Development Trust was shocked to learn that the title four designation of Jefferson County was about to be lost. Our organization working with the assistance of EDA and other agencies have made some very important gains during the last two years. Without the assistance that EDA gave it could not have been accomplished.

We now have two industries which we would not have had and even though the picture looks brighter we are still a long way from the mainstream of the nations economy. The job opportunity that this country must have for economic stability must have a much larger base.

The economic situation has been 20 years coming and it is hard to believe that anyone could believe that in two years it could possibly be turned around. There are all kinds of facts that we can give to prove our point but at this time we ask that you take every step possible to save our designation.

Sincerely,

PRYOR WAID, *Chairman.*

WAURIKA NEWS-DEMOCRAT,
Waurika, Okla., June 15, 1970.

To: The Honorable FRED R. HARRIS,
U.S. Senate.

From: Donald J. Morrison.

I regret very much that it will be impossible for me to be present for the hearing in Wagoner on June 16. It is extremely important that Jefferson county be continued on the Title IV eligibility list for Economic Development Administration loans and grants, and I trust that this written statement will carry just as much weight as an oral statement.

The people of Waurika are grateful for EDA loans and grants which, through a partnership approach made possible by local bond issues, have given this community and county a start toward diversification of our economy. The people of this community have voted for numerous bond issues in order to share in the cost of industrial spadework. But our financial resources are limited, and we must continue to rely heavily on federal programs designed to create job opportunities in rural America.

We know that over 100 jobs have been added locally, which would indicate that the 1970 census will show Waurika with a gain in population. But now we wonder if this will be the case, because the Census Bureau estimate for Jefferson county's population shows a loss from 8,192 in 1960 to 6,887 in 1970. We of course cannot continue to lose people without suffering economic distress. And the saddest fact of all is the one which tells us that to keep our own young people at home, we have a long way to go in providing the necessary job opportunities.

I remember writing in an economic impact report, several years ago, that rural America must be revitalized in order to shore up the weaknesses brought about by population shifts. This continues to be a need—for the sake of many aspects of our national life. The problems of metropolitan areas are being compounded by a rapidly mounting surplus of people, while the problems of rural areas are being compounded by the loss of people.

We have begun to benefit from the creation of some new jobs. But it is only a start. Economic stagnation did not happen overnight. Neither will it be quickly cured. Time will be required, also financial resources beyond our capability. That is why I earnestly seek the continuation of Jefferson county's eligibility for EDA loans and grants.

Thank you.

DONALD J. MORRISON.

WAURIKA CHAMBER OF COMMERCE,
Waurika, Okla., June 15, 1970.

Senator FRED R. HARRIS,
Washington, D.C.

DEAR SENATOR HARRIS: It is mild, to say the least, the surprise that we have with the recent efforts to do away with the eligibility of Jefferson County as a title four county. With the efforts that this county has made, the beginning signs of progress, and the long way that we still must go to change the direction our county is headed it is hard to believe that such a decision could be made.

Our county has only made a start and the assistance that we have received because of this designation has been of great importance in the two industries that we have obtained during the last couple of years. The direction of our economy has not yet been turned around and it is almost unbelievable that at this time our designation would be changed.

The decade that has just ended with our 16 percent decrease in population should prove my point. As people migrate from Jefferson county because of a lack of job opportunity they only increase the problems in the urban areas they move to. We ask that you do everything that you can to assist us in retaining this designation.

Sincerely:

RICHARD CHILES, *President.*

PAWNEE COUNTY

Mr. Earl Price, Executive Director, Central Oklahoma Economic Development District.

Representative Rex Privett.

Senator Raymond Horn.

Mayor Glen Wood, Pawnee, Oklahoma.

Mr. Orville Hicks, Businessman, Cleveland.

Mr. Glen Campbell, Businessman, Cleveland.

Mr. C. B. Giddens, Businessman, Cleveland.

Mr. Orville Smith.

TESTIMONY BY EARL PRICE, WAGGONER, OKLA., JUNE 16, 1970

Concerning Pawnee County: Senator Harris, let me say that it is a pleasure on behalf of myself and the delegation from Pawnee County to be invited to appear before you today to give you our "grass roots" opinion concerning the proposed legislation on delaying the dedesignation of qualified areas under the Economic Development and Public Works Act as introduced by the Honorable Ed Edmondson before the Public Works Committee of the House of Representatives.

It is our opinion that this piece of legislation is very timely, particularly in the light of the 1970 census data having just been completed but not yet tabulated. It was my pleasure two years ago to present testimony as President of the National Association of Development Organizations to the Senate Public Works Committee concerning this very subject. One of the two recommendations we made at that time which are a matter of record is as follows and I quote . . .

"To encourage change in the legislation concerning the criteria for determining a county's eligibility to be changed from unemployment to a system based upon family income, which more nearly reflects underemployment. This new statistical family income would be determined annually by the Federal Government on a county-by-county assessment of Internal Revenue Reports of income and social security payments."

I herewith submit for the record a complete transcript of that policy statement given to the Senate Public Works Committee two years ago, marked Exhibit "A".

Concerning the above recommendation, it is our opinion that Pawnee County is a good example of what is true throughout this country in the rural areas. The real problem in a designated area is per capita income and *underemployment* rather than *unemployment*. The method of computing unemployment in a rural area is not valid in determining the amount of the target population that has lagged the national average in sharing in the prosperity of this nation; and assuredly, it is not a valid method in determining the degree of poverty or pinpointing those people needing assistance in order that they may raise their per capita income.

Since the population of Pawnee County is relatively small and the *insured* work force is smaller yet, a very slight increase in the employment in the county can change the unemployment figures from slightly above six per cent to below six per cent, thereby disqualifying the area for EDA assistance. This slight employment, however, does not materially alter the average per capita income and, therefore, the economic base nor alleviate in any measurable way the degree of poverty.

As an example, take Pawnee County with a total population of 10,725 people with a total labor force of 2,930 people, an unemployment rate of 6.6, an estimate of unemployed in the amount of 193 people, and you can readily see that the employment of a mere 18 insured persons in this county would change the unemployment level to below six percent and thereby de-designate an otherwise designated area.

This example was taken from the actual county figures called to me yesterday by the Employment Security Office and exemplifies a typical case where a county is only .6 of 1% above six percent unemployment. If it had been a full 1% above 6%, the employment of 30 insured people would still have de-designated the county and supposedly indicate a healthy economic condition as far as the

EDA legislation is concerned. We think it is obvious from this example that neither the employment of 18 people nor the employment of 30 people would materially change the per capita income of 10,725 people, yet the present legislation assumes they are on an equal basis with the state or the nation as a whole.

To substantiate some of the figures given in our testimony today we are presenting to you (marked Exhibit "B") a few pages of excerpts from the Pawnee County Economic Base Report dated October, 1967 as prepared by the Oklahoma Employment Security Commission. The balance of the statistics reported in our testimony were called to my office yesterday afternoon by representatives of the Oklahoma Employment Security Commission, Department of Labor, from which the statistics for designating and de-designating Pawnee County were originated.

A great deal has been said in recent months in national publications, radio, and television by such public figures as Mayor Lindsay of New York, that *underemployment*, rather than unemployment, is the major factor in the poor ghetto areas of the major metropolitan cities. It, therefore, behooves the Congress to begin to develop a criteria to measure the degree of poverty by a method other than unemployment and, therefore, we endorse the above recommendation.

Senator Harris, it has been our pleasure to appear before this committee today to give our viewpoints and I would like to introduce for the purpose of making a statement, the following citizens of Pawnee County.

LABOR FORCE SUMMARIES

Item	1969	1966	1965
Labor force civilian	2,930	2,860	2,830
Unemployment	111	190	190
Percent of labor force	3.8	6.6	6.7
Employment	2,819	2,670	2,640

PAWNEE COUNTY ECONOMIC BASE REPORT, OCTOBER 1967

(By Clyde R. Hamm, chief, community employment development)

PREFACE

A Manpower Survey was conducted in Pawnee County by the Oklahoma Employment Security Commission in cooperation with the Pawnee County leaders. Initial contact was made by the Chief of the Community Employment Development and the Rural Area Representative with the Pawnee and Cleveland Chambers of Commerce, The Community Action Foundation, and the Pawnee Indian Agency. Later, the Rural Area Representative met with various groups of community leaders to explain the objectives and the procedures of the program. Additional information was carried by local newspapers. The cooperative attitude and interest of the community leaders in the promotion of economic progress led to the selection of Pawnee County for this survey.

This Economic Base Report contains the results of the Manpower Survey. The report was prepared for the use of the civic leaders of Pawnee County in utilizing natural and manpower resources in order to increase employment opportunities with the County.

Various civic groups, committees, agencies, and organizations were contacted for assistance and their help was greatly appreciated. The following is a list of those assisting in the formulation of the information in the Pawnee County Economic Base Report.

Pawnee

Chamber of Commerce—Mr. Don Johnson, Manager.
Mr. Glenn Wood, Mayor.
Pawnee Chief, Mr. Jo. O. Ferguson, Editor.
Rotary Club, Dr. P. R. Riemer, President.
Lions Club, Mr. Ernest C. Kelly, President.
Mr. John Lawrence and Mr. Glenn Lyon.

Cleveland

Chamber of Commerce: Mr. Tom Lunsford, President; Miss Emma Allison, Secretary.
Tiger's Tale High School Newspaper.
The Cleveland American—Larry Ferguson.
Cleveland Industrial Corporation—Mr. Glenn N. Cook, Secretary.
Indian Electric Cooperative—Mr. C. H. Culbertson.
Paul Bachman, Merchant.

Blackburn

Mrs. Fred Upshaw, Newspaper Correspondent.

Jennings

Mrs. F. C. Chapman, Newspaper Correspondent.

Hallett

Mrs. John Bejeck, Newspaper Correspondent.

Terlton

Mrs. Rosie Dietz, Newspaper Correspondent.

County

County Agent—Mr. Jack Pinkerton.
County Superintendent.
School Superintendents and Principals.
Pawnee-Noble Community Action Foundation, Inc.
Mr. Fred Staff, Director—Mrs. Pat Goff, Secretary.

Area

Central Oklahome Economic District.

Oklahoma

State Board For Vocational Education.
Historical Society.

United States

Bureau Of Indian Affairs—Pawnee Indian Agency—Mr. Robert Grover, Superintendent.
Soil Conservation Service—Mr. Russell A. Lewallen.
Weather Bureau—Mr. Stan Holbrook.
Bureau of Census.

The Manpower Survey was conducted during the period July 17 to September 22, 1967, in Pawnee County as the first step toward the promotion of the area's economic development and the effective occupational adjustment of the area's residents. The four specific objectives of the Community Development Program are:

1. Determine potential manpower resources of an area.
2. Help in evaluation of overall economic resources of an area.
3. Assist in formulation of a program of economic development.
4. Provide employment assistance to individuals of the area.

A mobile team of employment specialists, headquartering in both Pawnee and Cleveland, traveled throughout all Pawnee County covering each city and town as well as the rural area. During the approximately two months the mobile team was in the County, persons were interviewed as a representative sample of manpower potential and firms were surveyed concerning employment and wages.

All the persons interviewed were classified according to their work experience, interest, training, leisure time activity, and or their aptitude test results. All Employment Service techniques were applied to ascertain the potential manpower resources of Latimer County. The applicants' survey was made on work application forms, which were filed in the Ponca City office of the Oklahoma State Employment Service.

The Manpower Program was under the direction of Mr. Clyde R. Hamm, Chief of Community Employment Development. The mobile team was under the direct supervision of Mr. Edwin G. O'Day, Rural Area Representative. The preparation of Pawnee County's Economic Base Report was primarily the responsibility of Harry H. Revelle Jr.

EXHIBIT B—TABLE IV—LABOR FORCE SUMMARIES

Item	1966	1965
Labor force civilian	2,860	2,830
Unemployment	190	190
Percent of labor force	6.6	6.7
Employment:		
	2,670	2,640
Nonagricultural	1,760	1,710
Wholesale and retail trade	400	440
Government and schools	460	460
Manufacturing-mining-construction-finance-insurance-real estate-services-public-utility	620	530
Domestics	280	280
Agricultural	910	930

Source: Oklahoma State Employment Service

TAXES

Oklahoma tax structure is characterized by low-rate, broad-based taxes and there is no state ad valorem tax. Oklahoma does have a 2 percent state sales tax, 6.58 cent gasoline tax, and reasonable rates on other taxes. The Oklahoma Industrial and Park Department publication, "Oklahoma: Profile of People and Profits", describes the low Oklahoma State income tax:

"Corporations: The measure for corporate income taxes is the net income derived from Oklahoma property and business, applicable to business corporations. Rate: Flat 4%, federal income taxes deductible. For corporations in top federal tax

STATEMENT OF SENATOR RAYMOND L. HORN

Senator Harris, Speaker Privett, Gentlemen:

The recently announced decision by the Economic Development Administration to terminate Pawnee County has caused great concern on the part of many dedicated citizens.

Like most rural counties, Pawnee County has suffered declining population and economy during past years. However, great effort has been expended by many people to attempt to turn this cycle around. A start has been made, but it is only a start.

Many more jobs are needed for the unemployed and the underemployed in the County. Our population continued its decline in the recent census, although at a slower rate than in the 1950's and 1960's. We are in need of assistance from every possible source in this fight to improve our economy. Now is definitely not the time to cut off the valuable assistance provided by the Economic Development Administration in their programs.

Economic indicators in the County today show that we have a long way to go. People seeking employment remain at a high level. Those seeking commodities have increased, and the caseload in our welfare office has prompted them to ask for additional space. Many people, who have moved away, are returning to the County from jobs lost in metropolitan areas.

For these reasons, I strenuously urge that the bill to rescind the termination order, be passed through the Senate in this session of Congress.

STATEMENT OF CLEVELAND CHAMBER OF COMMERCE

It has come to our attention that Pawnee County has been designated as one of five counties in this area which will not be qualified to receive further benefits through the Economic Development Administration any longer, unless a bill recently passed by the House (and approved) is also approved by the Senate in forthcoming legislation.

Because of this situation, the Government of the City of Cleveland, of Pawnee County, Oklahoma, the Cleveland Chamber of Commerce, The local school administration, and other business leaders of our community, give the following reasons why we feel that there is an urgent need and necessity for Pawnee County to be re-instated as one of the counties which will be qualified for benefits.

Comparing figures with one year ago, our unemployment is on the increase, definitely, according to the increased number of applicants for unemployment compensation. We have many Pipe line construction workers and welders who make Cleveland their home, and who are normally gone away at this time of year on construction jobs. They say that there are no immediate prospects for work either.

Cleveland is a "bed-room" town for many industries over this part of the country—Hominy, Pawhuska, Sand Springs, Tulsa, and even Wichita where some of our people work in Aviation Industries, and because of "cut-backs" in production, or complete shut downs have occurred, they have been laid off and are idle. Hominy's muffler plant closed down, Emery Mills at Pawhuska is not in production, the building market is hampered by tight money and high interest rates. Cut backs in Aviation related industries in Tulsa and Wichita are affecting our economy here, as we have many who maintain homes here, and commute on week-ends. According to our County Commissioners, the demand for commodities has increased about 67% in recent months, and as a result of a decline in business volume in some of our retail stores, there have been several retail clerks laid-off and others on a part time basis.

We respectfully urge you to use your influence to assure passage of this important and vital legislation.

STATEMENT OF MAYOR GLENN WOOD, CITY OF PAWNEE

Senator Harris, gentlemen: As Mayor of the City of Pawnee, I am here today to testify concerning our need for continued designation under the Economic Development Administration programs.

We urgently feel that the bill under discussion today should be passed in this session of Congress.

We have not been told just what criteria were used in the determination to drop Pawnee County from the program, but the facts, as they exist today, are as follows:

1. The effects of the current recession are now beginning to affect our economy.

2. A check with our three-county CAP office shows an unchanging demand for more job opportunities. This demand is equal if not higher than that of previous years.

3. We have established one plant in the Pawnee area in recent years, and this has helped some, but we are still in need of many more job opportunities. Many of the people employed at this plant drive into the County from surrounding Counties.

4. A survey by the Pawnee County Commissioner of District 2 showed that 67 more people were receiving commodities today than in past years, and this represents only one-third of our County. Many of these new recipients are people who have been forced to move back home after losing their jobs in various metropolitan areas. Certainly, it would be to everyone's advantage to create local job opportunities for these individuals.

5. The 1970 census figures have not been released for cities the size of Pawnee and Cleveland, but the Pawnee County figure shows a decline of over 900. This is a smaller loss than that of the previous decade. However, the loss in population is still a matter of serious concern, clearly demonstrating the need for more job opportunities for our unemployed and our large number of underemployed.

For these reasons, we urge that every effort be made to continue the designation of Pawnee County under the Economic Development Administration programs.

DIRECT ELECTION OF THE PRESIDENT

Mr. GRIFFIN. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Maryland (Mr. TYDINGS) concerning the Tydings-Griffin proposed constitutional amendment providing for the direct election of the President.

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

STATEMENT OF SENATOR JOSEPH D. TYDINGS

The constitutional amendment providing for the direct election of the President (S.J. Res. 1) is designed to remedy a number of specific problems found in the present Electoral College system. These difficulties, when added together, have lead to a questioning of the rationality and legitimacy of our method of electing Presidents and, in 1968, raised the threat of a major constitutional crisis.

By providing for a direct popular election, S.J. Res. 1 eliminated the following faults of our present system:

1. The lack of legitimacy of a system in which a candidate with a plurality or majority could lose an election to a rival with an electoral majority.

2. The alleged bias towards (a) very big states because of the unit rule of state electors, and (b) towards very small states because of the three elector minimum per state.

3. The exaggerated majority in the electoral college, as compared to popular vote totals, giving a close winner an inflated victory.

4. The problem of the faithless elector.

5. The unequal weight accorded to voters in different sized states.

6. The general irrationality and anti-majoritarian aspects of this archaic institution which are difficult to justify in reasoned debate.

However, S.J. Res. 1 does not eliminate the Electoral College's most glaring and threatening weakness—the possibility of crisis due to a third-party candidacy. Under the Electoral College, third-party candidates are generally discouraged from running for the Presidency because of the unit rule; unless a splinter party leader can receive a majority of votes in a state, he will not receive any electoral college votes. This unit rule has thus successfully discouraged ideological third-parties. Regional candidates, also, are presented with significant barriers, although these barriers are only of national scope. At the regional level, candidates such as Wallace can attract state majorities and break into the Electoral College; yet chances of obtaining an ultimate majority in the Electoral College from such a base remain slim. The prospect of eventual failure serves to channel votes away from this type of candidate to "second choice" candidates because it becomes clear to the average third-party voter that his vote will be "wasted" if he votes for his first preference.

Yet in spite of the existing institutional barriers to third-parties, the prospect of continued third and fourth-party candidacies continues. This is a function of the "spoiler" role that a third-party candidate can play. Under our Electoral College, a third-party candidate has no effect upon the election outcome unless he can deny an Electoral College majority to the election winners. Because of the peculiarities of the Electoral College, this is a real possibility for sectional candidates. The possibility of triggering the unknown and awkward procedures of selecting the President in the House of Representatives is enough of a threat to any regular candidate's chance of victory and to the legitimacy of the entire election process, that the third-party candidate has extraordinary bargaining leverage. A refusal to deal with the outsider can mean defeat and/or crisis for the regular party candidates and the certainty of more wholesale political bargaining in the House.

Thus under the present Electoral College system, the mechanism of resorting to a House election, when the electoral college fails to produce a majority, is enough of an incentive to create meaningful third-party challenges and the threat of a constitutional crisis, in spite of the inhibiting unit rule of the states.

The provisions of S.J. Res. 1, although otherwise laudatory, create the very same problem of an incentive for third-party candidacies. In this case the trigger device is the 40 percent plurality required for direct election. A candidate outside the two regular parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. This incentive would apply to ideological as well as to regional candidates because there is no unit rule under the direct election scheme. The 20 percent figure becomes very much in reach of splinter parties when more than one outsider is running. The prospect of two candidates, one regional and one ideological, amassing 20 percent of the vote amongst them is quite realistic in the near future of American politics.

Under the direct election plan, the opportunity for crude political bargaining and threats are as available as under the Electoral College. In both, an outsider can offer to withdraw immediately preceding the election and attempt to swing his followers towards a would-be victor in return for a significant political concession. While the haunting threat of a debacle in the House does not offer itself under S.J. Res. 1, the maneuvering and dealing in a run-off race of the two surviving candidates would certainly be intense as they desperately wooed the disappointed followers of the third-party candidates. If experience under the French electoral system is any guide, the run-off makes the first election a test of bargaining strength leads to a further ideological hardening, and creates an atmosphere of shameless deals preceding the run-off. Given the fact that this kind of bargaining would take place under conditions of division and disappointment (It would be used only if no candidate has amassed 40% of the vote.) cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President.

It would appear that this incentive to use the 40 percent trigger and run-off is just as great as is the present temptation to deny an Electoral College majority and to the House. However, under S.J. Res. 1, the initial restraint of the states' unit rule is absent. Thus, the direct election amendment will increase the attractiveness of third-party Presidential candidacies. If present political trends continue, S.J. Res. 1 will bring a Constitutional crisis closer to reality.

Presidential election systems do not cause splinter parties, they merely encourage or discourage them. It is the underlying problems and conflicts in our society which create new parties and political movements. As our nation continues to feel the effects of both major domestic and foreign crises, it will no doubt experience greater pressure for splinter party groups. This is a function of the deep divisions in our society that have finally emerged and burst into the political area.

In part, this trend of political fragmentation reflects the increase in ideological and rigid political doctrines that threaten to drive the traditional American pragmatism

and compromise into the past. No doubt the general politicization of issues in our society draws into the political fray fringe groups that previously suffered silently or remained dormant without hope of change. Perhaps the widespread frustration and malaise in the nation plus a feeling of inability to influence the events that shape our destiny, drives concerned groups into strong political movements. Certainly there is little hope in the next few decades that the major schisms and problems that confront our society will disappear; it is more likely that our political parties will be the ones to vanish.

For many, substantial weakening of the two-party system would be a serious, if not crippling blow to the functioning of the American political process. A stable dual party structure serves many vital tasks of our democracy. Two strong parties are essential to maintain the competition for office amongst leaders that provides the honesty and innovation in American politics. Two stable parties provide the continuity of program needed to accomplish major change in a relatively slow moving political process. Most important, with only two parties, there is a need to create a real majority or large plurality for electoral victory. This fact requires that each party provide a political program that attracts a broad spectrum of voters.

Thus in a two party system, the parties are forced to create programs that satisfy a broad range of groups and interests. In the United States, the two major political parties have become the central institutions for moderating and resolving conflicts in our society. Our conventions, faultridden as they may be, and party machinery serve to mitigate and lessen the divisions of the nation. Without these institutions, the whole burden of resolving conflict would be thrust into the legislature. Under a multi-party system dogmatic ideology would flourish and compromise disappear. Executive leadership would be difficult because there would be no institution to aggregate enough political support to form a majority President. If the example of modern European parliamentary systems is of any relevance, multi-party government means bitter conflict and governmental immobility.

Of course, ours is a society that is in desparate need of change and innovation of its policies and institutions. Many believe that the two-party system and barriers to third-parties have impeded these needed reforms. However, historical precedent seems convincing that reform, if it is to be successful, is best directed within a major party. Only the major parties offer the strength of broad support and the structure of continuity that is a prerequisite for meaningful change. This is not to say, however, that the parties do not require major internal reform in order to allow change and challenge from within.

It is difficult to gather the support of large and differing groups in any party for significant change; but this is the cost of governing by consent rather than decree. The only other alternative in such a diverse society as ours is political fragmentation. And fragmentation without coercion will be stagnation.

In short, our political system desperately needs all its institutions that moderate conflict and provide for the means to change. The enactment of S.J. Res. 1 would alter the Presidential elections to encourage third-parties and undermine one of the key institutions of conflict resolution and change in our system. We should change our electoral system, but in a way that avoids crisis and supports our two-party system.

Under the Tydings-Griffin amendment, the direct election system would continue unmodified in 99% of all Presidential elections since it is an historical rarity for the winning Presidential candidate to receive less than 40% of the popular vote.

In that rare case when no one received 40% of the popular vote, our amendment would first turn to the time honored electoral college system. If the front-runner receives a majority of votes in states which have a majority of electoral votes, he becomes President. In no case can the second place candidate in the popular vote win the Presidency. The reasons for this option are clear: if no one garners 40% of the popular vote, there will be no majority President. The question is one of selecting a minority President who has widespread support in a manner that has respect and legitimacy. The electoral system has such legitimacy, and it is a means of demonstrating great support in our states, which are important political units in our system.

Some have pointed out that any use of the discredited Electoral College system would raise questions of legitimacy. This does not seem to bear out analysis.

First, there is no possibility of either a faithless elector or the wholesale bargaining in the House (which would vote by state amongst all the candidates) two of the major objections to the present electoral college.

Second, the Electoral College, in spite of its faults, retains a tremendous amount of political legitimacy. Its use as an emergency provision would not seem to draw too deeply on the reservoir of legitimacy now available.

Third, this contingency would be employed rarely; and if it were used, it would be under conditions of division and dissent which would raise questions of legitimacy under any contingency plan. Under either the amended or unamended S.J. Res. 1, the contingency provisions only operate if the leading candidate has less than 40 percent of the vote. Thus large groups in the society will already have registered dissatisfaction with both regular parties.

Under a run-off, these splinter party voters are forced to vote for second choices or register their protect by abstentions. Further, the political bargaining inherent in this situation will further add to the mood of dissatisfaction and discontent. It must be conceded that this route of choosing a candidate who is the first choice of only a minority of voters will raise at least as much dissatisfaction with the method of selection as the Tydings-Griffin proposed alternative.

Fourth, only the popular vote winner could be elected under this modified electoral system.

If the leading candidate failed to receive 40 percent of the popular votes and failed to receive a majority of the electoral college, it would be clear that popular election mechanism is not enough, in itself, to select a minority President. For this reason, the Tydings-Griffin amendment would then turn to a special Joint Session of the newly elected Congress to select a President from the two front runners in the popular vote. Each Congressman would have one vote. No third- or fourth-place candidate would be eligible to become President.

The new Congress, reflecting the most recent manifestation of the popular will, would choose amongst the two leading minority Presidential candidates. The winner would have to receive the majority support of the representative branch of government. The winner would be assured of having the support of Congress.

Again, this provides a means of selecting a minority President with widespread support and by a legitimate institution.

The whole point of the change is that the Tydings-Griffin contingency, unlike the run-off in S.J. Res. 1 discourages its own use. Its success will be its preventative effect. Under this plan, no third-party candidate, ideological or sectional, has a chance of winning the Presidential election, unless he can amass an Electoral College majority and be front runner or unless he could receive a majority of votes in the new Congress. There is no incentive for the two front-runners to bargain with minor party candidates. The incentives for third-parties under this amendment to S.J. Res. 1 will be similar to those of an ideological party under our present system; there is little encouragement to run unless a third-party candidate can attract more votes than the two leading parties and an electoral college majority or if the third-party candidate can take second place in the popular vote to be eligible for election by the Joint Session of Congress. If third-party candidates come close to attracting 20 percent of the vote, the two leading candidates would merely switch to an election strategy aimed at an electoral college majority—the same strategy used today. This allows a genuine, national third-party movement such as the Bull Moose Party, to succeed, but discourages small sectional and ideological parties.

Thus under the Tydings-Griffin amendment, the loss of the unit rule in the states as a barrier to splinter parties is replaced with another support of the two-party system without the undesirable effects of the winner-take-all method except in rare cases.

The whole issue of the run-off vs. our plan revolves around the question of selecting a minority President. Neither of these alternatives will be used unless there is such division in our nation that no candidate can approach majority support. In this situation, we should seek a mechanism that will select a minority President who has enough widespread support so he can govern effectively. Such a selection mechanism should be legitimate in the eyes of our people. And such a mechanism should discourage its own use, thus bolstering a stable two-party system. I believe that only the Tydings-Griffin plan fulfills all three of these requirements.

40TH ANNUAL COMMENCEMENT EXERCISES, ATLANTA SCHOOL OF ART—ADDRESS BY PAUL DUNCAN

Mr. PELL. Mr. President, a few days ago the Atlanta School of Art held its 40th annual commencement exercises with Paul Duncan of Washington, D.C., as the commencement speaker.

I was much interested in Mr. Duncan's development of the close functional relationship of art to human affairs and the contributions art makes toward satisfying the total range of human needs and concerns.

The commencement exercises, held at the Atlanta Memorial Arts Center, recall to us the tragic plane crash in 1962 that took from Atlanta 122 of its leading citizens and sponsors of the city's cultural life. The arts center is an inspiring, living memorial to those who were lost. It is a unique achievement of the unity of art, bringing together music, drama and the visual arts, and the talented young graduates of the School of Art constantly replenish those who guide and enrich Atlanta's cultural and esthetic life.

I ask unanimous consent that the commencement address be printed in the RECORD.

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

COMMENCEMENT ADDRESS

It is a commonplace of American life, perhaps more than in other countries, to look with skepticism on the idea that art is a necessary and useful function in the conduct of human affairs.

We have been conditioned to regard art as a non-essential and frivolous product of man's surplus energy and wealth.

I'm sure you have learned by now that there's nothing frivolous about art. And this is true of the visual arts as with any other. Art is a difficult taskmaster—demanding its own commitment, imposing its own discipline, and exacting its own dedication and perseverance.

And as for its being non-essential, the fact is that art functions in every aspect of daily life.

It shapes and enriches everything we do: physical and utilitarian, emotional and psychological, social and political.

Evidence of the physical function of art is all round us, real and tangible. As David Pye said of the art of design:

"If anyone thinks it is important to civilization that a common ground between art and science shall be found, then he had better look for it in front of his nose. Everyone is exposed to it all day long. The man-made world, our environment, is a work of art. But not all of it is good."

Over and over again since Leonardo da Vinci we have seen the artist as a man ahead of his time, the forerunner and predicter of events, calling attention to human needs and offering solutions that we have too often ignored or been slow to pick up.

Perhaps the best expression of the interrelationship of art and science in the modern world is to be found in the ideas and applications of Buckminster Fuller. And who knows where art begins and technology ends inside the head of Bucky Fuller!

He is not content merely to design or build. His objective is to transform the total environment on what he calls Spaceship Earth, so that with our intelligent co-operation, the world will work for its inhabitants.

After 40 years, we are lucky that he has finally developed a language people can understand, and that people finally have become ready to listen.

Where Buckminster Fuller is now dealing with the total environment, the French architect Le Corbusier dealt with the urban environment. Unfortunately, we are still making only scant use of the flood of ideas that Le Corbusier expressed more than 30 years ago in his book, The Radiant City, for the intelligent use of light, air, and space in the metropolis. And this in spite of the critical problems and the *painful* spasms of the inner-city in America.

We are still drawing on the Bauhaus philosophy which 50 years ago recognized the role of good design in mass production. In advertising we still see the influence of Salvador Dali and Paul Klee. Television commercials hungrily consume poster art, music, films, and literature, and ideas of all kinds. I'm sure you noted the way TV commercials took ideas from the film, "Elvira Madigan," on the use of motion, soft camera focus, and even the selection of models.

This process was somewhat reversed when the originators of the children's program, "Seasame Street," studied TV commercials to learn effective techniques of communication.

No less important than the physical function of art, and perhaps more gratifying to us because it nourishes the spirit, is the personal and social function of art. Here we find art fulfilling another set of man's needs: for emotional and psychological expression, for social and political comment.

The social function of art not only serves to make life more pleasant and aesthetically enjoyable. Sometimes it does just the opposite—by asking uncomfortable questions and demanding critical self-examination. But these too, in the end, help to improve the human condition.

From the first cave paintings as part of religious ritual, art has helped to supply the emotional needs of man. The fine arts have always sought to express the inner self and to probe the mysteries of life and death. In the ranks of those who used their work for social and political comment, we find such a museum artist as Vincent van Gogh. The prints of Goya, the lithographs of Kathe Kollwitz are well known to you as the voices of social conscience at a time when they were so badly needed. In our own day we find Ben Shahn, Jack Levine, George Grosz, even the political cartoons of Herblock, serving this same purpose.

As students and practitioners of art—this pervasive influence of life—what tools and equipment has it given you for coping with today's world, with all the stresses and strains we read about every morning in the newspapers and watch every evening on television?

I would say first, that you are more fortunate than most of your fellow graduates. And second, because of this, that you have greater responsibilities.

Some of those who have analyzed these times of dissent and confusion among young people say that the underlying cause is not Viet Nam, or civil rights, or an uncertain future in a nuclear world. Instead, they say, young people are restless because they wonder whether they are really needed in a technological world. It is not Viet Nam but their place in society that is the issue.

Most of their protest has centered around the campuses, and this is natural, since it is education that prepares all of us for our place in the work of society.

Bruno Bettelheim, professor of psychology at the University of Chicago, expressed the problem in this way.

"If education today prepares us only to be replaceable items in the production machine, or to be program assistants in its computer systems, then it seems to prepare us not for a chance to emerge in importance as persons, but only to serve the machine better."

If this is truly the battleground, then let me say that it's well worth the struggle. Though I disagree profoundly with most of the strategy and tactics and goals that are now coming out of student Campaign Headquarters.

And if this is the battleground, then I say that you, trained in the field of art, are more fortunate than most of your fellow graduates.

I don't believe the artist is destined to compete with the computer in an automated world. Yours is the central, creative function that technology can expand and apply, but never replace.

Whether you go into advertising, graphics, industrial design, or teaching, or go into orbit like Buckminister Fuller, your contribution will be the generation of creative ideas, the use of the creative imagination—and this is the essential component of both art and technology.

Second, and more important, you have a greater responsibility than most of your fellow graduates.

If it is true that the extremists represent less than five percent of the student population, then you have a responsibility to work for better leadership and to replace those who now offer noise instead of communication, bitterness instead of compassion, and violence instead of reason.

I say this because you are already veterans in the search for self-expression. You possess as artists a greater sensitivity to human needs and concerns. You are talented and trained in the skills of communication.

And obviously, you've had experience at bridging the generation gap. For I would guess that four years ago, your parents needed to be convinced that the study of art was not just a cop-out to avoid taking up chemistry, or business administration, or law.

And as art students you have had another chastening and useful experience. You have been forced to stand by and have someone look at your work and say: "What does that represent?"

You understand in a very personal way the need not to render judgment before finding out what the other fellow is trying to say.

Let me urge on you the wisdom of doing this in your judgment of the Establishment, the System that seems to be bent on doing so many things in the wrong way.

You can even be indulgent of parents.

For who knows, we too may be marching to "the brave music of a distant drum."

And each of us is entitled to his own drummer.

RICHARD GARDNER ON THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, in recent days I have been speaking to some of the legal objections to the Human Rights Treaties.

Today I invite the attention of the Senate to an article written by Mr. Richard N. Gardner, professor of law and international organization at Columbia University and former Assistant Secretary of State for International Organization Affairs. The article quite eloquently treats one of the major arguments of opponents of the Human Rights Treaties.

In an article entitled "The Three Human Rights Treaties: Good Law and Good Policy" in the International Lawyer, volume I, number 4, Mr. Gardner demonstrates quite conclusively that the United States can make treaties which involve its relations with its own citizens.

Mr. Gardner argues that:

> The relevant test laid down by the Supreme Court of the United States is whether a treaty deals with a matter "which is properly the subject of negotiation with a foreign country." *Geofroy* v. *Riggs*, 133 U.S. 258, 267 (1890). Charles Evans Hughes laid down a similar standard when he declared that the treaty power can only be used to deal with matters of "international concern."

The first of the treaties on this list is the 1926 Slavery Convention ratified by the Hoover administration, which committed this country to abolish slavery and take measures to prevent forced labor from developing into conditions analogous to slavery.

As Mr. Gardner notes:

> Surely things which were within the treaty power 40 years ago cannot be outside the treaty power today.

I echo Mr. Gardner's thoughts and would hope that the Senate will be not long in ratifying the Conventions on Slavery, Forced Labor and Political Rights for Women.

I ask unanimous consent that portions of the first part of Mr. Gardner's article, "The Three Human Rights Treaties: Good Law and Good Policy," be printed in the RECORD.

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

Surely things which were within the treaty power 40 years ago cannot be outside the treaty power today. Moreover, the United Nations Charter, itself a treaty obligation of the United States, commits us to take joint and separate action in cooperation with the Organization to promote human rights for people within the United States as well as overseas.

The list also includes conventions committing the United States to regulate the activities of American citizens within this country for purposes not relating to human rights—to control the production and internal traffic of certain drugs, to obtain statistics on causes of death, to prescribe rules of the road, and for conservation and wild life preservation. If the United States government can enter into a valid treaty commitment to restrain American citizens within this country from shooting non-migratory birds, it is difficult to see why the United States government cannot enter into a treaty commitment to restrain American citizens within this country from enslaving other Americans. I know of no constitutional provision which suggests or implies that birds are more important than people.

Are not slavery, forced labor, and the denial of basic women's rights of "international concern" in the year 1967?

Slavery and forced labor practiced abroad, in addition to breeding political and social tensions, can have a direct impact on the sales of American products in the United States and foreign markets.

The denial of basic rights to women, affecting one-half of the human resources of a less developed country, constitutes a major obstacle to progress in countries receiving large quantities of American aid.

What is or is not a matter of "international concern" and properly within the treaty power must be determined by contemporary fact—by reference to the effective protection of our country's interests in an increasingly interdependent world. It would be tragic if the American Bar Association were to give its support to a restrictive conception of the treaty power which would make us the only major country impotent to participate through treaties in the worldwide promotion of basic human rights whose implementation is vital to the achievement of our foreign policy objectives, including that of world peace. Such a restrictive interpretation of the treaty power might even prevent us from promoting the harmonization and unification of private laws affecting the activities of U.S. citizens and businessmen in foreign countries.

It should also be noted that the three conventions deal with matters wholly within the federal competence, so that no federal-state question is involved. None of them would require any change in existing American law. The provisions of the Force Labor Convention, together with its drafting history, confirm that punishment for illegal strikes or other illegal labor activities is not prohibited. Similarly, the provisions of the Political Rights of Women Convention, together with its drafting history, make clear that it applies only to public office and public functions established by national law, and that it does not apply to military service.

Mr. PROXMIRE. Mr. President, Mr. Gardner goes to observe:

It is obvious that many matters involving the relations between a government and its own citizens can be of sufficient "international concern" to be included in treaties between the United States and other countries.

Mr. Gardner emphasizes this point by including a partial list of treaties to which the United States is already a party which regulate the activity of U.S. citizens within the United States. The list contains:

1. *1926 Slavery Convention (TS 778).*—States Parties undertake to prevent and suppress the slave trade and to bring about the complete abolition of slavery in all its forms in territorities under their jurisdiction. They also agree, subject to certain transitional provisions, to take all necessary measures to prevent forced or compulsory labor from developing into conditions analogous to slavery. Forced or compulsory labor may only be exacted for "public purposes."

2. *1912 Convention relating to the suppression of the abuse of opium and other drugs (TS 612).*—States parties agree, *inter alia,* to enact laws and regulations to control the production and distribution of raw opium, and to take measures for the suppression of the manufacture, internal traffic in and the use of prepared opium. The Convention also calls upon States parties to consider making it illegal to possess certain drugs.

3. *World Health Organization Regulations No. 1 (TIAS 3482), as amended (TIAS 3482 and 4409).*—States Members are to respect prescribed nomenclatures with regard to diseases and causes of death, are to maintain certain statistics, and are to use certain forms of medical certificates.

4. *1940 Convention on nature protection and wildlife preservation in the Western Hemisphere (TS 981).*—States parties are to consider establishing in their territories national parks, national reserves, nature monuments, and strict wilderness preserves. Resources of reserves are not to be subject to exploitation for commercial profit, and are to be protected against private hunting; States are to provide facilities for public recreation and education in national parks.

5. *1949 Road Traffic Convention (TIAS 2487).*—Contracting States agree to the use of their own roads for international traffic under detailed conditions set out in the Convention, which prescribes *inter alia* rules of the road.

20TH ANNIVERSARY OF ORGANIZED BABE RUTH BASEBALL LEAGUE PLAY

Mr. PELL. Mr. President, this week marks the 20th anniversary of organized Babe Ruth Baseball League play. It is an anniversary that I believe deserves recognition, because of the contributions this program has made to the healthy development of thousands of teenaged boys.

In my own State of Rhode Island, under the excellent leadership of Mr. Joseph Shea, of Newport, State director of Babe Ruth Leagues, 100 Babe Ruth Leagues will be in operation this year providing recreation, instruction, and experiences in sportsmanship to several thousand youths.

Mr. President, the Babe Ruth League is an excellent example of what our people can accomplish through volunteer efforts. Today I commend the hundreds of volunteers, coaches, businessmen, and sponsors who, working together, serve our young people and, ultimately our Nation, through the Babe Ruth Leagues. They have the satisfaction of knowing that their efforts not only provide a more enjoyable summer for the youths in their leagues, but also help these youths to develop into mature citizens with a sense of sportsmanship and fair play.

CONCLUSION OF MORNING BUSINESS

Mr. MANSFIELD. Mr. President, is there further morning business?

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER (Mr. ALLEN). The bill will be stated by title.

The BILL CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the request of the Senator from Montana?

There being no objection, the Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. ALLEN). The Senator will state it.

Mr. MANSFIELD. Mr. President, does the time limitation begin now?

The PRESIDING OFFICER (Mr. ALLEN) The controlled time begins at this time.

Mr. MANSFIELD. I understand that the time is equally divided between the distinguished Senator from Colorado (Mr. DOMINICK) and the distinguished Senator from Idaho (Mr. CHURCH) and that the vote will occur at 2:45 this afternoon.

The PRESIDING OFFICER (Mr. ALLEN). The vote is to occur not later than 2:45.

Mr. GRIFFIN. Mr. President, I do not think this will be a problem, but as I recall it, the unanimous-consent agreement of yesterday was not worded as it appears on the printed card, which says not later than 2:45. The agreement was that we would actually vote at 2:45.

Mr. MANSFIELD. The Senator is correct. I wish to support what the acting minority leader has said.

The PRESIDING OFFICER (Mr. ALLEN). The Journal so shows. The vote is to occur at 2:45.

ORDER OF BUSINESS

Mr. DOMINICK. Mr. President, I ask unanimous consent that we have a short quorum call, the time to be divided equally between the two sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered. The time will be equally divided between the two sides. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DOMINICK. Mr. President, I yield myself 5 minutes.

I think I should start by saying that the pending amendment, on which we are to vote at 2:45, is not an amendment to the so-called Church-Cooper amendment. It is an amendment to a different section: section 9 of the bill. It is designed, not to change the format which the Committee on Foreign Relations put into the bill, but to make that format more flexible.

What we have done, through the action of the Foreign Relations Committee—and I think it makes sense—is try to gain some control over the type and amount of excess defense equipment which can be contributed to our allies. I do not change those controls.

As a matter of fact, I add additional controls, in order to provide for quarterly reports by the President on the type and quantity of equipment which will be contributed to our allies.

What I have done, however, is expand the limit which has been set by the Foreign Relations Committee, so that we can make better use, better utility, of the excess defense equipment which we now have.

We find ourselves—or could find ourselves, unless we do this—in the very uncomfortable and, in my opinion, untenable position whereby we have excess equipment which we are not permitted to give away, and which will cost us a lot of money to maintain, or which will have to be put into a scrap pile. It seems to me to make far more sense for us to deliver such equipment to our allies, so that they can enhance their own security and also ours by so doing, rather than add it to our scrap pile.

So, as I have said over and over again, I am not trying to do anything which will impede the controls which the Senate Committee on Foreign Relations has placed on this program. I am trying to save us some money from the point of view of operational and maintenance expense so far as the Defense Department and the taxpayer in general are concerned, and also trying to give further meaning to the President's Guam doctrine, in which he says that our objective in foreign policy will be to strengthen our allies' determination to help themselves and defend themselves, rather than to continue to inject American military power around the world directly, giving us a "lower profile," as he called it, around the world.

It seems obvious to me that if we are to do this, we must in turn be able to provide the mechanisms, at least in part, for those allies which are willing to help us in this way, whether it be, for example, Turkey, Iran or Israel, or whether it be Thailand or the Republic of China, or whatever country it may be.

At the same time, it is apparent that we do not want to give away any kind of sophisticated weaponry; so there is a requirement in my proposed amendment that prior to the delivery of any sophisticated weaponry, we must have certain information given to the Speaker of the House of Representatives and the Committees on Foreign Relations and Appropriations of the Senate, so that we will know what is going on, and can exercise some effective judgment during that period.

Mr. President, I am happy to yield to the Senator from Alabama.

Mr. SPARKMAN. Mr. President, I am interested in the amendment that the Senator from Colorado has proposed. I should like to ask him a few questions, to make certain that I understand the facts and the impact of his amendment. It seems to me to make sense, but I want to be sure of my grounds before I definitely say that it does.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. DOMINICK. I yield myself 5 additional minutes.

Mr. SPARKMAN. First of all, the Senator's amendment proposes, as I understand it, to remove the ceiling that is stated in the bill, or to increase that ceiling. The Senator does maintain a ceiling does he not?

Mr. DOMINICK. The Senator is totally correct. We are raising a ceiling which is established in the bill by the Committee on Foreign Relations, which in effect amounts to about $70 million of original acquisition cost to the Department of Defense, to $300 million, which is still $91 million less, even under my limit, than it was in fiscal 1969.

Mr. SPARKMAN. For what purpose does the Defense Department use equipment such as that covered by the Senator's amendment?

Mr. DOMINICK. The Defense Department would not be using this equipment at all. It would be outdated and obsolete as far as our own defense structure is concerned; so therefore they would either have to put it in the scrap pile, spend a lot of money maintaining it, or have the right to contribute it to some of our underdeveloped allies.

Mr. SPARKMAN. This equipment, as I understand, has already been paid for, and in effect has outlived its usefulness so far as the United States is concerned, but can still be effectively used by some of the other countries; is that right?

Mr. DOMINICK. The Senator is totally correct. This is the very heart of the amendment, so far as I am concerned.

We have many allies which have the ability, with very able labor at rather low cost, to maintain this equipment, or to make good use of some of the things that would be contributed to them through what we call cannibalism, which, as I think the Senator will recall, is making use of one item for spare parts for another similar item you already have.

By enabling other countries to do that, this measure could provide a lot of benefit to our allies at relatively low cost to us.

Mr. SPARKMAN. In other words, unless we do make some such use of the equipment as that, the practical result—of course, the Senator has mentioned two or three alternatives, but the practical result is that the equipment is scrapped; is it not?

Mr. DOMINICK. Yes, the Senator is correct. There is the other alternative, which would be even more expensive than simply scrapping it, of trying to maintain it in some kind of condition for some potential use, unknown and unanticipated by the Defense Department or any of our other agencies. But that would be very expensive.

Mr. SPARKMAN. This type of equipment, while it is included under the foreign military sales bill, in our Federal aid program of military assistance, is sometimes used in that way; but is it not true that in the past we have not put any such narrow limits on its use as this?

Mr. DOMINICK. The Senator is correct. This is the first time that controls such as those reported by the Committee on Foreign Relations have been so exercised.

I think there is reason why we should have some control. I just happen to feel that the limit they have put on, in terms of total amount, is totally unrealistic.

Mr. SPARKMAN. Let me ask the Senator this question. I do not know whether the Senator from Colorado knows the answer or not, but would any of this equipment be useful, for example, in South Korea?

Mr. DOMINICK. Yes, without any doubt. These would be in terms of small arms. It might be in terms of just simple things like kitchen equipment and a variety of things of this nature which are not armaments but which have been bought by the Defense Department and which then could be used as part of their own military force structure.

Mr. SPARKMAN. Necessary for any military operation.

Mr. DOMINICK. Yes.

Mr. SPARKMAN. I was in Korea last fall, and I visited one of the ROK divisions in the demilitarized zone. I saw the equipment they had, and our own military people there impressed upon me how antiquated a good bit of that equipment is, how badly they need it—some replacement and some building up. I came back fully convinced that we needed to do more to bolster the defenses of South Korea, which, after all, are part of our security; that we needed to do more than we have done in the past. It seems to me that if we could use this, for example, to help in cases such as that, by all means we should take advantage of the opportunity.

I thank the Senator for yielding.

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

Mr. DOMINICK. I yield myself 5 additional minutes.

I sincerely thank the Senator for his support and for his questions, which I think clear the record.

One thing we might think about in analyzing this matter is this: The M–1 rifle, which we still have, is a pretty good rifle, but our troops are all equipped with the M–16, which is a much better rifle now that they have all the quirks and problems out of it. These M–1's would be of enormous utility to a great number of these underdeveloped countries in the effort to try to defend themselves. These are not countries that try to go across their border to attack someone else. They are trying to defend themselves and by so doing to be able to stabilize the situation in areas of the world where otherwise the United States might become involved. I hope we do not, but we might.

So it would seem to me that raising the limit to be able to utilize more of this excess equipment makes sense, and that is why I offer the amendment.

I sincerely appreciate the support of the Senator from Alabama.

Mr. COOPER. Mr. President, will the Senator yield me 2 minutes?

Mr. MANSFIELD. I yield the Senator as much time as he desires.

Mr. COOPER. I should like to ask

the Senator from Colorado a question which goes beyond the amount made available for excess weapons and to the total of military aid that is provided in a number of bills.

I ask, first, is it not correct that in the foreign aid bill, grants of military aid totaling $350 million is available?

Mr. DOMINICK. I would presume that is true on a year-by-year basis. But, as the Senator knows, the foreign aid bill is under very sharp attack in an enormous number of areas and within the Senate itself. We do not know what it is going to be for the future, because we have not had the bill before us.

Mr. COOPER. I want to point out that in various bills a great deal more military aid is made available for other countries than just the funds for excess arms. As I recall, $350 million is made available in grants to other countries, for military aid in the Foreign Aid Act. Then, it is correct, is it not, that in the pending bill an additional $300 million is made available for credit sales to other countries?

Mr. DOMINICK. That is correct.

Mr. COOPER. And with easy terms of credit. I am not sure whether it is $300 or $350 million on the foreign aid bill. I will take the lower figure. The two items make $600 million. This bill makes available, as I recall, $70 million for the transfer of excess equipment.

Mr. DOMINICK. That is correct—as of original acquisition cost.

Mr. COOPER. The total would be $670 million.

Is it not also correct that in the foreign aid bill the President has authority to make available an additional $300 million of military aid upon his finding that it is essential to the interests of our country?

Mr. DOMINICK. I cannot answer that question. Frankly, I have not picked that up in the bill. It may be in here, but I do not know what provision it would be.

Mr. COOPER. I think I am correct. If I am in error as to the exact amount, I will correct my statement. I think I am correct in saying that in these four categories, the money provided for grants for military aid under the Foreign Aid Act, the $300 million that is provided in this bill for credit sales—the credit is very liberal—and the $70 million of transfer of excess equipment, and, finally, the $300 million of additional funds that the President has authority to provide a total of $970 million available in military aid to other countries.

Mr. DOMINICK. In this particular bill, would the Senator refer me to the last program about which he is talking?

Mr. COOPER. Does the Senator mean the additional $300 million available to the President?

Mr. DOMINICK. Yes.

Mr. COOPER. I will do so in a few moments. I will look up the section.

Mr. DOMINICK. I am not doubting the Senator's word at all. I am just wondering where it is. Without having the full language in front of us, it is hard to determine this.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. I yield myself an additional 2 minutes.

With reference to what the Senator from Kentucky has pointed out, what we are dealing with in this particular section are not current armaments that we would be using and might find it advantageous to sell or on which to give a credit sale.

For example, the Israelis are trying to get F–4 Phantom jets. That is the best airplane we have in our inventory, because, unfortunately, for the last decade the Secretary of Defense, Mr. McNamara, refused to do anything about a new type of aircraft of any kind, so far as I can find out. In my opinion, it was a disaster so far as our aircraft procurement was concerned. Nevertheless, this is what they would like. A credit sale would probably handle that type of thing, if this is the way they wanted to go. But we are not dealing with that in this section. We are dealing with excess defense items that we do not need; and unless we do something about it, we either have to maintain them or throw them away.

Furthermore, under the MAP program, which is referred to in this $350 million, which sounds very big—as though they are going to use all that for armament—if past history is any kind of determinate, only between $70 and $80 million of that will be used for equipment, and the rest will be for training, personnel, advisers, maintenance, and things of that kind—not for defense items of equipment themselves. So I do not really think it deals with this problem.

One could lump them together, as the distinguished Senator from Idaho did yesterday, when he made a total parade of horrors out of what is going on in armament deliveries around the world by all the Pentagons in all the countries of the world, and this sounds very impressive. But it is not what we are dealing with here. We are dealing here with a very narrow subject, one that I hope will save us some money in the long run and certainly will enhance our security.

Mr. THURMOND and Mr. COOPER addressed the Chair.

Mr. DOMINICK. Mr. President, the Senator from South Carolina (Mr. THURMOND) asked me earlier if he could have 5 minutes, so I am delighted to yield to the Senator from South Carolina now, if that is all right with the Senator from Kentucky.

Mr. COOPER. Of course.

Mr. THURMOND. I shall take only 3 minutes, I believe.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, my distinguished colleague from Colorado has pointed out the need for improving legislative constraints on the value of excess defense articles that may be provided to foreign countries without reimbursement from either military assistance appropriations or from the recipient country's own funds. I agree that such constraints are indeed necessary. But it is also my belief that these limitations should not be so restraining as to deny to our friends and allies equipment which our forces no longer need, has been bought and paid for, and can be put to effective use in furthering the concept of collective security in the free world. If this equipment is not used for this purpose, it will be scrapped and sold for a small percentage of its true worth. Thus, useful defense assets will be wasted.

The amendment offered by my distinguished colleague from Colorado reflects a realistic limitation and a manner of calculating value that more nearly represents true worth. I also observe that the proposed amendment requires the President to inform the Committee on Foreign Relations and the Committee on Appropriations of each decision to furnish major weapons systems if these were not included in the program presented to Congress. Thus, the Congress will be informed long before any action is taken to deliver the equipment. Should such a decision raise any questions, there will be sufficient time for the Congress to explore the matter and to express its views.

Mr. President, it appears to me that the limitations and controls established by the proposed amendment are realistic. They give reasonable assurance that valuable defense assets will not be wasted but, at the same time, are sufficiently restraining to insure that these assets are used judiciously and in the best overall interest of the United States. Finally, I would note that it gives the Congress the opportunity it needs to exercise its responsibilities.

I join my able colleague from Colorado in urging adoption of the amendment.

Mr. DOMINICK. Mr. President, I thank the distinguished Senator from South Carolina.

Mr. COOPER. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator from Kentucky is recognized.

Mr. COOPER. I want to cite the provisions of the sections providing the total military aid which I mentioned a few minutes ago.

First, in the Foreign Assistance Act, section 504, authorization, which provides:

> There is authorized to be appropriated to the President to carry out the purposes of this part not to exceed $350,000,000 for the fiscal year 1970, and $350,000,000 for the fiscal year 1971.

This was authorized by Congress last year.

Mr. DOMINICK. Will the Senator tell me what the purpose is, how the wording goes?

Mr. COOPER. It is money provided to the President for military assistance, chapter 2, section 503:

> The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance, . . .

Mr. DOMINICK. I thank the Senator.

Mr. COOPER. Mr. President, $350 million was made available for fiscal year 1971.

Section 504 provides an authorization of $350 million.

Section 506, special authority, provides that,

> During the fiscal year 1970 and the fiscal year 1971 the President may, if he determines it to be vital to the security of the United States, order defense articles from the stocks of the Department of Defense and defense services for the purposes of part II, subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance. The value of such orders under this subsection in each of the fiscal years 1970 and 1971 shall not exceed $300,000,000.

That is a total of $650 million made available under the Foreign Assistance Act.

The pending bill provides an additional $300 million for credit sales and $70 million for transfer of excess property. So, there is available for fiscal 1971, $650 million of grant aid, $300 million of credit aid, and $70 million of excess sales, a total of $1,020 million.

Mr. DOMINICK. If the Senator from Kentucky will yield, on my own time, for a question——

Mr. COOPER. I yield.

Mr. DOMINICK. The money given to the President to use at his discretion is money to be given to them, is that correct? These are defense articles. It is money only under extraordinary circumstances that the committee expects the President to use. Is that correct?

Mr. COOPER. It is up to him entirely. If he determines it is vital to the security of the United States, his judgment cannot be questioned.

Mr. DOMINICK. Based on past history, though, he has not used this freely, has he, or any other President?

Mr. COOPER. I do not know.

Mr. DOMINICK. Second, under credit sales, that money is the sale of equipment or a credit designed to be repaid with interest, is that correct?

Mr. COOPER. That is correct.

Mr. DOMINICK. It is not a grant?

Mr. COOPER. Very liberal credit.

Mr. DOMINICK. Liberal credit.

Mr. COOPER. It is practically a gift.

Mr. DOMINICK. Have, in fact, such amounts that have been sold under those terms been repaid, does the Senator know?

Mr. COOPER. General Warren testified, I believe, on that, but I cannot recall. I would have to look at the record.

Mr. DOMINICK. So, the only provision we have that we are dealing with at all——

Mr. COOPER. I have just been informed that—if the Senator will excuse me—quite a bit has been repaid.

Mr. DOMINICK. I thank the Senator.

The only provision on the excess defense items, which are an expense and a problem for us, is this particular section 9 that we are dealing with here.

Mr. COOPER. No. I believe that the President, under the Foreign Assistance Act, because those sections provide that he can draw upon the stocks of the military stocks of the United States, the same excess articles——

Mr. DOMINICK. The President can.

Mr. COOPER. Yes.

Mr. DOMINICK. That is right.

But we do not want to authorize the Department of Defense. The President has to signify that it is something special.

Mr. COOPER. The Senator is correct. Under the law dealing with excess articles, I believe the Department of Defense can make available, under present law, without limitation—if it decided it wanted to give away $1 or $2 billion of excess articles, the Department of Defense could do so. It has been stated that the Department of Defense could produce excess articles which the Department of Defense would not need so that such articles could be made available to be given away. I do not know whether that is correct. But there is no statutory limit on excess supplies which can be given away.

Mr. DOMINICK. Section 506, special authority, to which the Senator referred, called my attention to what the President can do:

> Subject to subsequent reimbursement therefor from subsequent appropriations available for military assistance.

Mr. COOPER. Yes, that is correct.

For example, out of the $350 made available to the President under the Foreign Assistance Act, if he were to decide later that he wanted to go beyond that, it would have to be taken from whatever amount was appropriated in the following year.

I do not know whether the Appropriations Committee would add the amount to the appropriations or not. But the Senator is correct.

Mr. DOMINICK. Mr. President, I was interested in a point the Senator from South Carolina brought up yesterday in connection with his amendment. It is my recollection that he said Thailand would not be eligible under the military assistance program because it is actively involved in a fighting zone.

Mr. COOPER. That was the statement made by the Senator from South Carolina.

Mr. DOMINICK. Mr. President, assuming that is true, the so-called military assistance programs amounts that we have in the foreign aid bill would not be available to Thailand and, therefore, very little could be done in the way of assisting them with weapons.

Mr. COOPER. Mr. President, I am informed that the Senator is correct. A few days ago we had a colloquy, and I said, as I recall, that I did not think the President could make funds available to Cambodia because Cambodia was not among the countries listed in the bill.

In reading the general authority, it would seem to me that he could make assistance available.

Mr. DOMINICK. Under section 506?

Mr. COOPER. Under section 503.

It reads:

> The President is authorized to furnish military assistance on such terms and conditions as he may determine, to any friendly country or international organization, the assisting of which the President finds will strengthen the security of the United States and promote world peace and which is otherwise eligible to receive such assistance.

It provides ways in which it can be done. Section 504 authorizes $350 million for fiscal year 1970.

In this section, there is this proviso:

> *Provided further,* That none of the funds appropriated pursuant to this subsection shall be used to furnish sophisticated weapons systems, such a missile system and jet aircraft for military purpose, to any underdeveloped country, unless the President determines that the furnishing of such weapons systems is important to the national security of the United States and reports within thirty days each such determination to the Congress.

Unless there is some language with which the Senator is familiar and with which I am not familiar, it would seem to me that under these two sections, the President has unlimited authority, to the total amount of $650 million. He would make the decision on his own determination which could not be questioned.

Mr. DOMINICK. Under that interpretation, what we have then with all of the restrictions is that this bill would be relatively useless. And I cannot believe that the committee has gone through an exercise in futility.

I have great confidence in their intelligence and their thoroughness of consideration in this field because I know how interested they are.

I asked a question on Thailand, and the Senator brought up Cambodia. I did that because I was very interested in what the Senator from South Carolina said. I understood that the Senator tended to agree with him.

Mr. COOPER. No. In looking at the language that I have just read, it would seem to me that under the language our President could make available to Thailand equipment up to the total of these two sums, which is $650 million.

It is correct, though, is it not, that under the defense authorization and appropriation bills, supplies and support funds are made available to Thailand.

Mr. DOMINICK. The Senator is correct.

Mr. COOPER. And Laos.

Mr. DOMINICK. The Senator is correct. That is with a limitation because the Armed Services Committee obtained jurisdiction, and at the request of the Foreign Relations Committee we put an overall budget limitation on how much of the funds authorized could be used in those areas.

Mr. COOPER. It was transferred to the Defense budget several years ago.

Mr. DOMINICK. The Senator is correct. I think this has been an interesting colloquy. An overall knowledge of the various difficult portions of this bill is going to be useful, I believe. I do not really think it deals with the specific subject we were talking about. That was the point I tried to make to begin with.

We are still talking about section 9 which specifically refers to excess defense articles. And what I am trying to do is retain the controls but also to raise the limit.

The PRESIDING OFFICER. Who yields time?

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

The PRESIDING OFFICER (Mr. HOLLINGS). On whose time?

Mr. COOPER. Mr. President, the time may be charged to the opponents.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

RECESS

Mr. CHURCH. Mr. President, I ask unanimous consent that the Senate stand in recess subject to the call of the Chair. In no event shall the recess last longer than 1 hour. That will leave 20 minutes for debate, 10 minutes to each side, for summation arguments prior to the scheduled vote at 2:45 p.m.

The PRESIDING OFFICER (Mr. HOLLINGS). Is there objection? The Chair hears no objection, and it is so ordered.

Thereupon (at 1 o'clock and 25 minutes p.m.) the Senate took a recess subject to the call of the Chair.

At 2 o'clock and 24 minutes p.m., the Senate reassembled, when called to order by the Presiding Officer (Mr. CRANSTON in the chair).

Mr. CHURCH. Mr. President, I suggest the absence of a quorum, the time being taken equally from both sides.

The PRESIDING OFFICER. The time will be charged equally. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Who yields time?

Mr. CHURCH. Mr. President, I yield myself as much remaining time as I may require.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, the amendment offered by the Senator from Colorado would have the practical effect of nullifying the action taken by the Committee on Foreign Relations to impose a ceiling on the amounts of surplus arms that the Defense Department can give away to nations around the world.

Under the existing law there are no restrictions on the amount of surplus arms that can be given away. As a consequence, the Defense Department has used this program to circumvent the intent of the Congress in its intent to reduce the size of the military grant aid program. General Warren, Deputy Assistant Secretary of Defense for Military Assistance and Sales, was quite frank with the committee on this score. In a hearing on May 11 on this bill, he said:

> A little over a year ago, we decided we had to get more surplus property into our grant-aid programs because our new obligational authority had been reduced considerably.

The purpose of the committee amendment is to prevent these end runs around the Congress.

The Congress has been hoodwinked on the use of the surplus program in other ways, too. Last year, for example, the Defense Department told the Congress that they expected to give away $79 million in surplus arms and equipment in fiscal 1970—valued at cost of acquisition. Now it appears that they will really give away about $667 million worth—over eight times the original estimate. Congress last year voted $350 million for grant military aid—so the effect of this C–5A size increase in the surplus program is to triple the military aid approved by the Congress.

Another example. The justification data presented to Congress last year estimated that $341,000 in surplus arms would be given to Taiwan. Senators will recall the dispute last year which ended with this body rejecting an additional $54.5 million in military aid to Taiwan for a jet fighter squadron. The Defense Department, not satisfied with this rejection, found a large number of "surplus"—and I use the word advisedly here—jets to give that country to salve her hurt feelings. As a consequence, instead of $341,000 estimated at the beginning of the year—we will end up giving Taiwan some $144 million of surplus arms. And the will of the Congress was thwarted again.

Mr. President, the committee's amendment does not set an inflexible ceiling of $35 million. It only says that 50 percent of the cost of any surplus arms given away above that amount must be charged against the appropriations for military aid. If the executive branch thinks a larger military aid program can be justified, to absorb the distribution of more surplus arms, let them come to the Congress and justify it. Any request for a supplemental authorization will be given thorough consideration by the committee.

But the committee was determined to stop the open-ended nature of the surplus program which has been used to flaunt the intent of Congress. The Senator from Colorado's amendment would gut the committee's restriction. For that reason, I urge that it be defeated.

Mr. President, I ask unanimous consent that certain newspaper articles which bear out what I have said appear in the RECORD following my remarks.

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

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

[From the New York Times, Mar. 29, 1970]

TAIWAN GIVEN MANY ARMS IN SECRET BY UNITED STATES IN 1969

(By John W. Finney)

WASHINGTON, March 28.—The United States secretly presented Nationalist China last year with fighter planes, cargo planes, destroyers, anti-aircraft missiles, tanks and rifles reportedly worth $157 million.

Except for approximately $1 million paid for four destroyers, the Government of President Chiang Kai-shek in Taiwan received the weapons free out of stocks that had been declared surplus by the Defense Department.

Such large-scale use of "surplus" weapons as an indirect form of military assistance is a relatively new development and is raising unresolved policy questions within the State Department and Congress.

With the reduction of the United States military forces and withdrawal of troops from South Vietnam, billions of dollars' worth of weapons are being declared surplus by the military services. A study by the staff of the Senate Foreign Relations Committee suggests that the total may come to $10 billion, although State Department officials believe this estimate is too high.

The Defense Department never announced, either publicly or to Congress, the transfer of the weapons to Taiwan, and the gift would probably have gone unnoticed if some questions had not been raised in a recent meeting of a House appropriations subcommittee by Representative Silvio O. Conte, Republican of Massachusetts.

At a closed-door hearing, Representative Otto E. Passman, Democrat of Louisiana, the subcommittee chairman, was once again raising the possibility of providing $54 million so the Government in Taiwan could buy a squadron of F–4 Phantom jet planes. A similar proposed grant in the military-assistance program was approved last year by the House, but blocked by the Senate.

As the debate in the foreign aid subcommittee warmed up, Lieut. Gen. Robert H. Warren, Deputy Assistant Secretary of Defense for military assistance and sales, broke in and was said to have observed: "I want you to know we have given them quite a bit." Then, under questioning by Mr. Conte, the details of the military goods supplied to the Chinese Nationalists were disclosed by General Warren.

During floor debate last week, when the House approved legislation lending three submarines to Taiwan, Mr. Conte listed some of the "military goodies" that were included in what he described as the "beautiful Christmas present" for the Chiang Government. In an interview, he listed additional items that had been included in the package.

ITEMS ARE LISTED

These included four 20-year-old destroyers that had been decommissioned by the Navy; equipment for a Nike Hercules missile battery that had been installed in Hawaii; more than 35 F–100 Super Saber jets, which are relatively old supersonic interceptors; more than 20 F–104 Starfighters, which are supersonic fighter planes still in use by the United States Air Force and the North Atlantic allies; more than 30 C–119 flying boxcars, which are 15-year-old troop and cargo transports; some 50 medium tanks, and about 120 howitzers and thousands of M–14 rifles.

On the basis of the Warren testimony, Mr. Conte placed the total cost of the package at $157-million.

In response to inquiries, the Defense Department declined to confirm or deny the details of the package described by Mr. Conte. The explanation offered by a department spokesman was that the Pentagon normally does not discuss the transfer of arms to foreign allies and furthermore that the information gets to "the order of battle" of the Chinese Nationalist armed forces.

State Department officials, who were not so reluctant to discuss the transaction, said the transfer had been worked out in negotiations last summer and fall. Confirming the general outlines of the package, these officials said the weapons were needed to modernize Taiwan's air defense and to replace obsolete ships in the navy.

SEOUL ALSO GOT ARMS

State Department officials described the transaction as part of a general program of using surplus arms to bolster the defenses of such "forward defense" countries as South Korea, Turkey and Taiwan. In recent months, for example, the Defense Department has transferred 790,000 used rifles, carbines and submachine guns to South Korea for use by its home defense reserve forces.

Within the last year or so, the Pentagon has embarked on a major program to use surplus weapons to supplement its military assistance program, which has been sharply reduced in recent years.

This was a principal justification offered by State Department officials for the major shipment of surplus arms to Nationalist China.

Since the end of World War II, Nationalist China, known formally as the Republic of China, has received $2.7-billion in military assistance from the United States, primarily in arms provided as grants. But in recent years, this direct military assistance has been drastically curtailed, falling from $117-million in fiscal 1968 to about $25-million in the current fiscal year, which ends June 30.

"One reason we provided the Republic of China with so much in such a short time," a State Department official explained, "is that grant assistance was dropping drastically but at the same time China, as an exposed forward-defense country, had unfulfilled military requirements."

The policy question now being raised by the Senate Foreign Relations Committee is what controls, either by the executive branch or by Congress, are being exercised over the Pentagon's use of its growing stockpile of surplus weapons as a form of foreign military assistance.

In other areas of military assistance, Congress and the executive branch have established tight controls over the Pentagon.

Direct military grant assistance, for example, is subject to annual authorizations and appropriations by Congress, which thus sets a limit on how much aid can be provided country by country.

In the area of military sales—an area in which the Pentagon used to have complete latitude with its own "revolving fund" to finance credit sales of arms—Congress in the last three years has imposed tight controls. Under legislation first enacted in 1968 and now up for renewal, the Pentagon must obtain Congressional authorization for credit sales and Congress in turn imposes an annual ceiling on the amount of the sales.

As a result of an investigation by the Senate Foreign Relations Committee three years ago, the executive branch also ordered tighter interdepartmental coordination over Pentagon sales of arms. Such sales are now subject to formal approval by the State Department.

But in the disposal of surplus arms abroad—through sale or gift—the Pentagon needs no Congressional authorization and faces no Congressional limitation. The only requirement is that the Defense Department report the surplus arms transactions annually when it appears before Congress for its military-assistance appropriations, but as one Foreign Relations Committee staff member observed: "The reporting usually comes considerably after the fact."

Within the executive branch, the Pentagon in principle has to obtain State Department clearance for the disposal abroad of any major item of surplus equipment. But State Department officials acknowledge that the controls over surplus equipment are not as tight as those that have been worked out for sales of military equipment.

SYMINGTON HELD HEARINGS

One of the current efforts within the State Department's Bureau of Politico-Military Affairs, therefore, is to establish tighter interagency controls over the disposal of surplus weapons. A corresponding effort to establish stricter Congressional controls is certain to be made by the Senate Foreign Relations Committee as it considers extension of the military sales legislation, already approved by the House.

A foreign relations subcommittee, headed by Senator Stuart Symington, Democrat of Missouri, got its first insight into the Pentagon's growing use of surplus weapons as a form of military assistance when it held still-secret hearings last fall into United States military arrangements with Nationalist China.

One of the operations discovered by the subcommittee was that Maj. Gen. Richard G. Ciccelella, chief of the United States Military Assistance Advisory Group in Taiwan, had sent a special team to South Vietnam with the mission of finding used or damaged equipment that could be turned over to the Nationalist Government.

The subcommitte also determined, according to Congressional sources, that General Ciccolella had arranged for establishment of a military equipment repair facility in Taiwan.

The repair facility, according to these Congressional sources, was proving profitable to the Nationalist Government in two respects. First, it was receiving money to repair equipment under contracts with the Defense Department. Second, it was receiving free equipment by taking over weapons that had been declared irreparable by the United States.

General Ciccolella had been scheduled to testify before the Symington subcommittee last fall, but his appearance was postponed when he was hospitalized with a back ailment. The general has now been reassigned to Fort Meade in Maryland, and the subcommittee plans to have him testify before closing the Taiwan phase of its investigation.

WORLD ARMS BILL: TRILLION SINCE 1964; REPORT SAYS SPENDING RISES SHARPLY IN SMALL NATIONS

(By Robert M. Smith)

WASHINGTON, March 22.—More than a trillion dollars has been spent for arms and armed forces around the world over the last six years, the Arms Control and Disarmament Agency reports.

In a new study, the agency finds that the increase in arms expenditures of the big countries has slowed somewhat in the last two years while the amounts spent by the developing countries have increased sharply. The military budgets of the small countries seem to be growing at a rate twice as high as the world total.

The report also discloses that although the world's economic standard of living has improved little in real terms in the last six years, the per capita burden of military spending has increased.

The figures show that military spending last year averaged $56 for every person in the world. This breaks down to an average of $179 for every person in the developed countries and $10 for every person in the developing countries.

RATE OF INCREASE SLOWS

"The diversion of resources to military purposes had expanded in step with the world's capacity to produce," says the Arms Control Agency's fourth annual report on world military expenditure. The organization is an independent agency of the United States Government.

The one hopeful note in the 26-page report is that between 1965 and 1967, world military spending rose at the rate of 13 per cent a year; in 1968 and 1969, it rose only 5 per cent a year.

"If the pattern of the last two years continues," the report says, "it will mean some reduction in the ratio of military spending to world income."

"On the other hand," it continues, "it will take more than a diminished rate of increase to lessen significantly the heavy economic burden of world military expenditures. If recent spending patterns continue, the nations of the world by the end of the seventies will be devoting more than $300-billion a year to defense."

THE $200 BILLION SPENT IN 1969

The six-year total of world military spending took as much public money, according to the report, "as was spent by all governments on all forms of public education and health care."

Some $200-billion was spent on the world's arms and armies last year. The North Atlantic Treaty Organization accounted for $108-billion of this total; the Warsaw Pact nations, $63-billion.

Each bloc spent some $3-billion more than in 1968. Given inflation, however, this represents no increase. In fact, the NATO outlays went down $2-billion if inflation is considered.

On the other hand, the military budgets of countries outside these blocs accounted for an increasing proportion of the money the world spent on arms.

"Military budgets of these countries appeared to be growing at a rate more than twice that of the world total," the report says. This reflects "an accelerated arms race among the developing countries," it says.

COUNTRIES LISTED

The study also points out that it took half of all the people in the world to produce a share of all the world's goods and services equal to that devoted to military outlays.

The study reports that the following countries spent more than 10 per cent of their total output of goods and services, or gross national product, on their armed forces: Laos, United Arab Republic, North Vietnam, South Vietnam, Taiwan, Iraq, Jordan, North Korea, Syria, Saudi Arabia and Israel.

The following spent between 5 and 10 per cent of their gross product: Burma, Somali Republic, Cambodia, Mainland China, Albania, Iran, Mongolia, Portugal, Cuba, Poland, Soviet Union, France, United Kingdom, Kuwait, and United States.

Spending less than 1 per cent of their gross product were: Malawi, Nepal, Sierra Leone, Costa Rica, Peru, Jamaica, Mexico, Panama, Trinidad and Tobago, Japan and Iceland.

The data in the report came mostly from statistics prepared by the United States Agency for International Development and such international agencies as the United Nations Educational, Scientific and Cultural Organization and the World Health Organization.

Mr. DOMINICK. Mr. President, I yield myself 4 minutes.

I listened with interest to the Senator from Idaho, who gave us, as usual, a well-delivered and dramatic speech. One of the things he said was that my amendment would gut the provisions put in by the Senate Foreign Relations Committee. With all due deference, this just is not a fact. Not only do I not change any of the reporting provisions in that particular section, but I add another one requiring that quarterly reports be given as to the types of equipment that are going to be declared excess and delivered away, and requiring reports to the Speaker of the House, the Committee on Foreign Relations, and Committee on Foreign Affairs, the Committees on Defense Appropriations, in the event anybody decides that so-called sophisticated weapons systems are to be delivered to anybody. Of course, that is not in the provisions as they now stand.

So the only thing I am doing, in fact, is to raise the ceiling from $70 million up to $300 million in terms of original acquisition cost.

I hope my colleagues will keep in mind the fact that we are dealing with many weapons that were purchased 10 or 15

years ago. They are no longer of any use insofar as U.S. military requirements are concerned. The only choice we have is to spend a lot of money maintaining them or put them on the scrap heap. It seems to me it is better to deliver them to our allies and reinforce the Guam doctrine of President Nixon than to put them on the scrap heap or spend a lot of the taxpayers' money on maintaining something that is excess, not needed for our military requirements, and obsolete.

Those are the only points I am trying to bring out.

The distinguished Senator from Idaho talked about Taiwan.

Well, Taiwan has been very friendly to the United States. It has been under constant attack from Red China. It received a great deal of military aid for a long period of time. To the extent that its defenses were running down and we had surplus equipment, it would seem to me to be cutting off our nose to spite our face to cut out our aid to them. So I do not see anything particularly horrendous about that particular aspect.

We had a colloquy with the Senator from Kentucky concerning Thailand and Cambodia. Yesterday, in the process of discussing the amendment of the Senator from South Carolina (Mr. THURMOND), it was pointed out that those countries, engaged in fighting a war in Southeast Asia, allegedly came under the MAP program, and if they were to come under another program, that would give us the ability, outside the MAP program, to sell excess equipment to Thailand particularly. If that country were engaged in the fighting, I would see nothing wrong with that. It seems to me to make good sense to keep American forces out of the front lines and support our allies against attack—not to create an attack of our own, but to defend themselves against attack.

That is the reason why I have offered my amendment. That is the reason why I hope it will be adopted.

I reserve the remainder of my time.

Mr. CHURCH. Mr. President, in reply to the remarks of the distinguished Senator from Colorado, I recognize the inclusion in his amendment of an extra provision for reporting to the Congress. However, Members of the Senate should realize the futility of giving open-ended authority to the executive to deliver such quantities of arms as it chooses, to such governments as it chooses, and then to salve our conscience as it chooses, only after the act is completed, by reporting to the Congress what it has done.

By the time these formal reports are delivered, the recipient country has already been informed, in many cases in the local newspapers. By all stretches of the imagination, a reporting requirement, after the fact, is an idle and empty gesture.

Second, I ask Members of the Senate to remember that, under the present law, without any effective congressional ceiling, we are not even informed before the fact, on the basis of estimates that are given to us, of what the executive anticipates it will give away in the coming year. For example, I have here the latest estimate given to the Congress as a guideline to what the executive intends to do. It indicates that in the coming year programed excess surplus equipment to be given away totals $63,835,000. However, there is another item, labeled "Projected Additional Excess, Worldwide," with no allocation whatever. There is no indication as to where it is to go, or in what quantities. This total is $103 million.

Of course, the estimates are meaningless, providing no specific information or realistic projections.

I remind the Senate that last year, as illustrative of this situation, we estimated that $345,000 in equipment would be given to Taiwan. In fact, it came to $143 million. While we estimated that $9 million worth would be given to Greece, in fact it exceeded $20 million.

What we are pleading for, on behalf of the committee, is an effective ceiling which will permit the Congress to exercise meaningful control over a program that has become an open-ended method for circumventing the efforts of Congress to keep this giveaway program within reasonable bounds. That is the truth of it.

With the amendment of the Senator from Colorado, that ceiling would be lifted so high, that we would go into conference with the House with no negotiating position. We would have no opportunity to deal with their open-ended bill for the purpose of obtaining a reasonable ceiling somewhere between the position the committee has adopted and the position the House adopted.

In order to give Congress a meaningful control over the size of this giveaway program and in order to protect our own negotiating position in conference, I hope that the Senate will reject the amendment offered by the Senator from Colorado.

Mr. DOMINICK. Mr. President, I yield myself such time as I may require.

I am always delighted to have a discussion and debate with my friend from Idaho. It is always interesting, and every time I do so, I find we are talking about a whole bunch of different items that, in many cases, are not specifically involved in the issue with which we are dealing.

We have here a fiscal expenditure, in 1969, of $391 million. If we put in the amendment that I have offered, we will be $91 million a year less than was already done in 1969. We have here a situation that we are dealing with excess defense articles, not needed, and which we either have to scrap or spend a lot of money in trying to maintain.

It makes eminent sense to me to be able to give these items to increase the defensibility of our allies, and let them go ahead and modify the equipment, or change it, or do whatever is necessary at their own expense, rather than to have us have to do it.

Whom are we talking about? Well, we are talking about Turkey, we are talking about Iran—I am talking about the countries that this material went to in 1969; we cannot say where it will go now, unfortunately—but Turkey and Iran, two of our NATO allies at the southern flank, which is imminently threatened by the Soviet Union at this time; Taiwan, threatened by the Chinese; Thailand, threatened by North Vietnamese forces from the northeast and also by those which are in Cambodia.

We are talking about countries which are so-called free world countries, which would like to be of assistance in preventing us from being overrun. If we do not give them assistance, then we have the obligation, it would seem to me, under the commitments made by the Foreign Relations Committee, to come to their aid sooner than we might otherwise have to. It makes eminent good sense to me to pass this amendment, and give us the ability to get out from under some of these surplus stockpiles, and strengthen our allies at the same time.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. DOMINICK. How much time is left, Mr. President?

The PRESIDING OFFICER. The Senator from Idaho has 1 minute remaining; the Senator from Colorado has 3.

Someone's minute is gone.

Mr. CHURCH. Mr. President, I move that the silence be attributed equally to both sides. [Laughter.]

The motion was agreed to.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum, on everyone's time.

The PRESIDING OFFICER. Do Senators yield back time equally for a quorum call?

Mr. DOMINICK. Mr. President, just a moment, before we do that.

The PRESIDING OFFICER. There are 2 minutes remaining.

Mr. DOMINICK. Mr. President, I yield myself 1 minute.

I have here a letter from the Joint Chiefs of Staff, dated May 26, 1970, addressed to the distinguished Senator from Mississippi (Mr. STENNIS) as chairman of the Committee on Armed Services, supporting the principle of this amendment, and pointing out how important it would be.

I think it is worthwhile to emphasize at this point that this particular amendment is supported by both the State Department and the Defense Department. Any time we can get those two departments to agree on a single amendment, I think we have really accomplished something. So I certainly hope the amendment will be agreed to.

I ask unanimous consent that the letter to which I have referred be printed in the RECORD.

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

THE JOINT CHIEFS OF STAFF,
Washington, D.C., May 26, 1970.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: On May 16, 1970, Secretary Laird wrote you concerning the serious effects which certain amendments to the Foreign Military Sales Act, now pending in the Senate, would have on the security of the United States. He made particular reference to those amendments which would severely limit the existing authority in the

Foreign Assistance Act of 1961 to give excess defense articles to foreign countries (Section 9) and which would require a foreign country to pay, in its own currency, 50% of the value of military grant aid provided by the United States to that country (Section 10). Secretary Laird expressed the view that taken together these amendments would severely limit the effectiveness of our collective defense arrangements. I fully concur in this view and because of the nature of the military consequences which could flow from the proposed amendments, I am taking this opportunity to also urge your support in securing a modification to the current Bill.

For some twenty years the Military Assistance Program has been an important element in our national security policy. Through it, we have been able to strengthen our allies in those areas where we have mutual security interests, and we have thereby reduced the military requirements for our own forces. The Joint Chiefs of Staff have considered the Military Assistance and Sales Program to be an important aspect of the United States national security and weakening this program can weaken our security. Of particular concern to me are the serious consequences. which the proposed amendments could have upon the military capability of our Forward Defense Allies, such as the Republic of Korea and Turkey.

As you are aware, the Republic of Korea is a key element of the United States forward strategy in Northeast Asia. If the Republic of Korea is to maintain her responsibilities for her own self-defense against aggression, she must have enough modern military equipment to meet the military threat currently posed against her by the North Korean military forces. I had the opportunity to visit South Korea during October of last year and I saw first-hand the condition of the South Korean equipment. Their ground forces equipment is antiquated, and they lack adequate force mobility. Their Air Force needs additional resources, and their Navy needs additional surface units. If we are going to place a greater reliance on the indigenous forces of the Republic of Korea, we must be sure they can cope with the threats to their security, for their security is tied to the security of the free world. If United States military equipment, which would otherwise be scrapped, can be useful to enhance the capability of such indigenous forces, we ought not to permit these defense resources to be wasted. We ought not to take unnecessary risks by adding to our scrap heap instead of adding to an ally's strength.

One of the major objectives of our Military Assistance Program is also to assist such countries as Turkey so that she would be able to resist a general Warsaw Pact aggression. The Turkish military forces sit on the right flank of NATO, and they are exposed on two fronts. Turkey does not have the financial capability of equipping and maintaining a sufficiently modernized military force to cope with a Warsaw Pact forces attack against NATO unless the United States continues to provide her with military assistance. If the Turkish forces are to remain adequately equipped to cope with the threat to the right flank of NATO, the United States will have to continue to provide Turkey with a level of support essential to the effective implementation of the NATO strategies. Requiring Turkey and other Forward Defense nations to pay for grant aid would not promote the effective implementation of these strategies but, to the contrary, they would substantially weaken Turkey's military posture and hence weaken NATO and United States security.

The Military Assistance Program is a self-interest program. As we place a new and greater emphasis on the contribution of allied forces to the free world security—and hence to our security—we cannot allow it to wither away because of arbitrary ceilings on excess defense articles or by requiring foreign countries, who cannot afford to do so, to pay for grants. Because of the obvious serious consequences which the proposed amendments would have upon United States security, I join with Secretary Laird in urging your support on securing the modification of the proposed amendments along the lines suggested in his letter of May 16th.

Sincerely,

EARLE G. WHEELER,
Chairman, Joint Chiefs of Staff.

Mr. CHURCH. Mr. President, I use the remainder of my time to emphasize that the effect of this amendment would be to increase fivefold the ceiling limitation on the giveaway surplus arms program. If the Dominick amendment is rejected, the Senate can go to conference with a meaningful negotiating position. We will be able to deal with those House conferees who will be arguing for an open-ended bill.

The PRESIDING OFFICER (Mr. CRANSTON). All time having expired, the question is on agreeing to the amendment of the Senator from Colorado (Mr. DOMINICK). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. HOLLINGS. On this vote I have a live pair with the Senator from Arkansas (Mr. FULBRIGHT). If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. SPONG. On this vote I have a pair with the Senator from Indiana (Mr. BAYH). If he were here, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Utah (Mr. MOSS), and the Senator from Georgia (Mr. RUSSELL), are necessarily absent.

On this vote, the Senator from Connecticut (Mr. DODD) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Connecticut would vote "yea" and the Senator from Alaska would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Kentucky (Mr. COOK), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

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

The Senator from Illinois (Mr. SMITH) is absent on official business.

If present and voting, the Senator from Florida (Mr. GURNEY), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH) would each vote "yea."

The result was announced—yeas 38, nays 43, as follows:

[No. 159 Leg.]

YEAS—38

Allen	Fannin	Miller
Allott	Fong	Pearson
Baker	Goldwater	Percy
Bellmon	Griffin	Prouty
Bennett	Hansen	Saxbe
Bible	Hruska	Smith, Maine
Boggs	Jackson	Sparkman
Cotton	Jordan, N.C.	Stennis
Curtis	Jordan, Idaho	Talmadge
Dole	Long	Thurmond
Dominick	McClellan	Tower
Eastland	McGee	Young, N. Dak.
Ervin	McIntyre	

NAYS—43

Aiken	Hatfield	Nelson
Anderson	Holland	Pastore
Brooke	Hughes	Pell
Burdick	Inouye	Proxmire
Byrd, Va.	Javits	Randolph
Byrd, W. Va.	Kennedy	Ribicoff
Case	Magnuson	Schweiker
Church	Mansfield	Symington
Cooper	Mathias	Tydings
Cranston	McCarthy	Williams, N.J.
Eagleton	McGovern	Williams, Del.
Ellender	Metcalf	Yarborough
Goodell	Mondale	Young, Ohio
Harris	Montoya	
Hart	Muskie	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Hollings, for.
Spong, for.

NOT VOTING—17

Bayh	Gravel	Packwood
Cannon	Gurney	Russell
Cook	Hartke	Scott
Dodd	Moss	Smith, Ill.
Fulbright	Mundt	Stevens
Gore	Murphy	

So Mr. DOMINICK's amendment (No. 689) was rejected.

Mr. CHURCH. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 708

Mr. BYRD of West Virginia. Mr. President, I call up my amendment No. 708 at the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The ASSISTANT LEGISLATIVE CLERK. On page 5, between lines 18 and 19, strike the period and insert the following: "Including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed".

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. GRIFFIN. Mr. President, will the Senator from West Virginia yield for a request associated with that amendment?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. Mr. President, because the amendment of the Senator from West Virginia inserts new language at the end of an amendment offered by the Senator from Montana and previously adopted, which has not appeared in print, I ask unanimous consent that a print of the bill, as amended, to date be made for the benefit of Members of the Senate.

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

The text of the bill as amended to date is as follows:

H.R. 15628

[Report No. 91-865]

(In the Senate of the United States, March 25, 1970; read twice and referred to the Committee on Foreign Relations, May 12, 1970. Reported by Mr. FULBRIGHT, with amendments.)

[Omit the part enclosed in black brackets and insert the part printed in italic]

An act to amend the Foreign Military Sales Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 3 of the Foreign Military Sales Act (22 U.S.C. 2753(b)) is amended to read as follows:

"(b) No sales, credits, or guaranties shall be made or extended under this Act to any country during a period of one year after such country seizes, or takes into custody, or fines an American fishing vessel for engaging in fishing more than twelve miles from the coast of that country. The President may waive the provisions of this subsection when he determines it to be important to the security of the United States or he receives reasonable assurances from the country involved that future violations will not occur, and promptly so reports to the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate. The provisions of this subsection shall not be applicable in any case governed by an international agreement to which the United States is a party."

SEC. 2. Section 31 of such Act (22 U.S.C. 2771) is amended—

(1) by striking out of subsection (a) "not to exceed $296,000,000 for the fiscal year 1969" and inserting in lieu thereof "not to exceed [$275,000,000 for the fiscal year 1970 and not to exceed $272,500,000 for each of the fiscal years 1971 and 1972";] *$250,000,000 for each of the fiscal years 1970 and 1971"*; and

(2) by striking out of subsection (b) "during the fiscal year 1969 shall not exceed $296,000,000" and inserting in lieu thereof ["during the fiscal year 1970 shall not exceed $350,000,000 and during each of the fiscal years 1971 and 1972 shall not exceed $385,000,000",] *"shall not exceed $300,000,000 for each of the fiscal years 1970 and 1971"*.

SEC. 3. Section 33 of such Act (22 U.S.C. 2773) is amended—

(1) by striking out of subsection (a) "the fiscal year 1969" and inserting in lieu thereof "each fiscal year"; and

(2) by striking out of subsection (b) "the fiscal year 1969" and inserting in lieu thereof "each fiscal year".

SEC. 4. The last paragraph of section 1 of such Act (22 U.S.C. 2751) is amended by striking out "denying social progress" and inserting in lieu thereof "denying the growth of fundamental rights or social progress".

SEC. 5. It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

SEC. 6. It is the sense of the Congress that—

(1) the President should immediately institute a thorough and comprehensive review of the military aid programs of the United States, particularly with respect to the military assistance and sales operations of the Department of Defense, and

(2) the President should take such actions as may be appropriate—

(A) to initiate multilateral discussions among the United States, the Union of Soviet Socialist Republics, Great Britain, France, West Germany, Italy, and other countries on the control of the worldwide trade in armaments.

(B) to commence a general debate in the United Nations with respect to the control of the conventional arms trade, and

(C) to use the power and prestige of his office to signify the intention of the United States to work actively with all nations to check and control the international sales and distribution of conventional weapons of death and destruction.

Sec. 7. The Foreign Military Sales Act is further amended by adding at the end thereof the following new section:

["Sec. 47. Prohibition of Assistance to Cambodia.—In order to avoid the involvement of the United States in a wider war in Indochina and to expedite the withdrawal of American forces from Vietnam, it is hereby provided that, unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—]*

"Sec. 47. Limitations on United States Involvement in Cambodia.—In concert with the declared objectives of the President of the United States to avoid the involvement of the United States in Cambodia after July 1, 1970, and to expedite the withdrawal of American forces from Cambodia, it is hereby provided that unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purposes of—

"(1) retaining United States forces in Cambodia;

"(2) paying the compensation or allowances of, or otherwise supporting, directly or indirectly, any United States personnel in Cambodian forces or engage in any combat activity in support of Cambodian forces;

"(3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia, or to provide persons to engage in any combat activity in support of Cambodian forces; or

"(4) conducting any combat activity in the air above Cambodia in support of Cambodian forces."

Nothing contained in this section shall be deemed to impugn the Constitutional power of the President as Commander in Chief.

Sec. 8. 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. 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).

Sec. 9. (a) Subject to the provisions of subsection (b), the value of any excess defense article given to a foreign country or international organization during any fiscal year shall be considered to be an expenditure made from funds appropriated for that fiscal year to carry out the provisions of part II of the Foreign Assistance Act of 1961, and at the time of the delivery of that article a sum equal to the value thereof shall be withdrawn from such funds and deposited in the Treasury as miscellaneous receipts.

(b) The provisions of subsection (a) shall apply during any fiscal year only to the extent that the aggregate value of all such articles so given during that year exceeds $35,000,000.

(c) For purposes of this section "value" means not less than 50 per centum of the amount the United States paid at the time the excess defense articles were acquired by the United States.

Sec. 10. (a) No excess defense article may be given, and no grant of military assistance may be made, to a foreign country unless the country agrees—

(1) to deposit in a special account established by that country the following amounts of currency of that country:

(A) in the case of any excess defense article to be given to that country, an amount equal to 50 per centum of the fair value of the article, as determined by the Secretary of State, at the time the agreement to give the article to the country is made; and

(B) in the case of a grant of military assistance to be made to that country, an amount equal to 50 per centum of each such grant; and

(2) to make available to the United States Government, for use in paying obligations of the United States in that country and in financing international educational and cultural exchange activities in which that country participates under the programs authorized by the Mutual Educational and Cultural Exchange Act of 1961, such portion of the special account of that country as may be determined, from time to time, by the President to be necessary for any such use.

(b) Section 1415 of the Supplemental Appropriation Act, 1953 (31 U.S.C. 724), shall not be applicable to the provisions of this section.

Sec. 11. (a) In considering a request for approval of any transfer of a defense article to another country under section 505 (a) (1) and (a) (4) of the Foreign Assistance Act of 1961, and section 3(a) (2) of the Foreign Military Sales Act, the President shall not give his consent to the transfer unless the United States itself would transfer the defense article under consideration to that country.

(b) The President shall not consent to the transfer by any foreign country or person to a third or subsequent country or person of any defense article given, loaned, or sold by the United States, or the sale of which is financed by the United States (through credit, guaranty, or otherwise), unless the foreign country or person which is to make the transfer first obtains from the country or person to which the transfer is to be made an agreement that such country or person will not give, sell, loan, or otherwise transfer such article to any other foreign country or person (1) without the consent of the President, and (2) without agreeing to obtain from such other foreign country an agreement not to give, sell, loan, or otherwise transfer such article without the consent of the President.

Sec. 12 (a) Notwithstanding any provision of law enacted before the date of enactment of this section, no money appropriated [for any purpose] for foreign assistance including foreign military sales shall be available for obligation or expenditure—

(1) unless the appropriation thereof has been previously authorized by law; or

(2) in excess of an amount previously prescribed by law.

(b) To the extent that legislation enacted after the making of an appropriation for foreign assistance (including foreign military sales) authorizes the obligation or ex-

penditure thereof, the limitation contained in subsection (a) shall have no effect.

(c) The provisions of this section shall not be superceded except by a provision of law hereafter enacted which specifically repeals or modifies the provisions of this section.

Sec. 13. For purposes of sections 9, 10, and 11—

(1) "defense article" and "excess defense articles" have the same meanings as given them in section 644(d) and (g), respectively, of the Foreign Assistance Act of 1961; and

(2) "foreign country" includes any department, agency, or independent establishment of the foreign country.

Amend the title so as to read: "An Act to amend the Foreign Military Sales Act, and for other purposes."

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, rather than see the distinguished Senator from New Hampshire (Mr. COTTON) resign—and I speak, of course, in jest—the joint leadership has met to see if some consideration should not be given to the request of the Senator from New Hampshire. His services are too valuable and his absence would be too sorely missed, and as a result of the meeting with the acting minority leader, I should like to propose the following unanimous-consent request:

Mr. President, I ask unanimous consent that, beginning today, during further consideration of H.R. 15628, the foreign military sales measure, and until that measure is disposed of, it be in order each calendar day, beginning at about 5 p.m., to lay that measure aside temporarily for the consideration of bills and resolutions; and that, upon the Senate's reconvening each day, following its recess or adjournment, the Senate proceed to the consideration of the unfinished business, H.R. 15628, the foreign military sales measure, immediately or at the conclusion of morning hour, whichever is appropriate.

Mr. GRIFFIN. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. GRIFFIN. I want to say that I believe this is a very good move. I want to commend the distinguished majority leader. I shall not object. I hope there will be no objection.

Let me say quite candidly that there are many Senators who believe that this new procedure should commence on Monday because many Senators have already made plans, on the basis of previous indications that the pending business would not be laid aside; but, certainly, I will not object if it goes into effect tonight. I hope that there will be no objection to the unanimous-consent request.

Mr. HOLLAND. Mr. President, reserving the right to object—and I shall not object—may I ask the distinguished majority leader if it is the intention to take up at the beginning, or almost at the beginning of this new practice, upon laying aside the pending business, the bill providing for appropriations for education?

Mr. MANSFIELD. Yes, indeed. I would hope that it would be the No. 1 item and that we could get to it this evening.

Mr. HOLLAND. I thank the majority leader.

Mr. JAVITS. Mr. President, the supplemental appropriation bill awaits action. One of its essential elements is conditioned upon money being made available before the end of this month. It is even more urgent in timing than the highly important and desirable bill that the Senator from New Hampshire has been speaking about. I therefore wonder whether we could have any views of the majority leader as to what could be done about that supplemental.

Mr. MANSFIELD. I would say——

Mr. COTTON. Will the Senator from Montana yield to me briefly?

Mr. MANSFIELD. Oh, yes.

Mr. COTTON. I thank the majority leader. I want to say that this has reference to the request of the distinguished Senator from New York; but first, I would like to express my very deep thanks to the distinguished majority leader and would hope that he would be willing to open the way to the consideration of the appropriations for education. I know that we will have the thanks of all the school officials, school boards, principals, teachers, and others who are charged with public education in this whole country. They certainly will appreciate action on this bill very much.

Naturally, I am most anxious to move forward on the appropriations for education. I think it is most imperative that it be taken up. The distinguished majority leader has been kind enough and considerate enough not only of his colleagues but also of the needs of the country to make this request.

Therefore, so far as I am concerned, I am perfectly willing to entrust to him the order in which the bills will be taken up. If he sees fit to dispose of the supplemental appropriation first and then take up the appropriations for education second, that is quite all right with me. I do not want to look a gift horse in the mouth, of course. I want to see this unanimous-consent request adopted.

Mr. MANSFIELD. I thank the distinguished Senator from New Hampshire. Let me say, in all honesty, that there is not a Member on either side of the aisle who would have allowed the Senator from New Hampshire to resign, even if he had entertained such an idea seriously.

Now, Mr. President, in response to the question raised by the distinguished Senator from New York, it is my understanding that because of the requests made recently, it will not be possible to reach the supplemental appropriation bill before Monday.

Therefore, in view of what has arisen, perhaps we could begin with S. 3074, a bill to provide minimum standards for guarantees covering consumer products which have electrical, mechanical, or thermal components, and for other purposes, concerning which the Senator from New Hampshire may have some amendments.

Mr. COTTON. Mr. President, the only thing I fear is that we would get into some controversial measure before we take up the appropriation bills.

I would hope that the appropriation bills would not be taken up until Monday.

I happen to know that the chairman of our subcommittee—without whose presence the education appropriations bill would be very difficult to handle—finds it impossible to be here because of long-standing commitments.

I would hope that we would not take up the bill until Monday. However, I still leave it to the judgment of the majority leader.

I am afraid that if we take up the guarantees bill, we will find ourselves in another hassle.

Mr. MANSFIELD. Mr. President, I understand what is involved respecting the supplemental appropriation bill. But what about the flammable fabrics bill? I understand the Senator from New Hampshire would have some amendments to that bill also. Could we take that up this evening?

Mr. MAGNUSON. Mr. President, the guarantees bill and the flammable fabrics bill, both out of our committee, will have amendments offered. However, they would not take too long.

Mr. COTTON. Mr. President, I have some amendments to offer. If we could get counsel over here, we could agree on a limitation of time.

Mr. HART. Mr. President, as one who is not responsible as chairman for any of the business that may come up, I would like to join my distinguished colleague, the junior Senator from Michigan (Mr. GRIFFIN), the acting minority leader, in the hope that perhaps the request can be modified so that it will become effective on Monday.

I happen not to have responsibility for any of the business that might be considered. The request is not made because of a personal problem. However, it does seem that many plans have been made not anticipating this very desirable procedure. If we could delay it for just another day, perhaps we would all be better off and would have a better idea of the schedule for next Monday.

Mr. MANSFIELD. Mr. President, I appreciate what the distinguished Senator from Michigan has stated. He makes very few requests of the leadership. He is most considerate and understanding.

In view of the situation which has developed concerning several bills, I ask unanimous consent that this proposed agreement go into effect Monday next and that all Senators be on notice that we mean business and that we would like to operate on this basis to help the administration.

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

Mr. MANSFIELD. I yield.

Mr. JAVITS. Mr. President, I shall not object. I agree with the Senator from New Hampshire (Mr. COTTON). I am perfectly willing to leave it to the conscience and the discretion of the majority leader as to which bill he would call up first.

Mr. MANSFIELD. There will be the education bill on Monday.

Mr. JAVITS. Notwithstanding the fact that this supplemental bill would take a short time, I will agree with the Senator from West Virginia on a short time.

Mr. MANSFIELD. Fine.

Mr. JAVITS. And the money to be provided in the bill is really needed. Otherwise, it would be of no use.

Mr. MANSFIELD. Fine. On that basis, the supplemental bill could be considered and then the education bill, and at some time the postal reform bill.

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

Mr. MANSFIELD. I yield.

Mr. McGEE. Mr. President, the urgency is obvious. I would hope that we could proceed to the consideration of the postal reform bill with all expedition possible. If we can do it in the evening, we will be prepared.

Mr. MANSFIELD. Mr. President, if we can do so, we will. However, I must say that there is a hold or two on the bill. I am therefore unable to move the bill, even though I would like to.

Mr. GRIFFIN. Mr. President, would the Senator yield for a clarification of the unanimous-consent request?

Mr. MANSFIELD. Yes, indeed.

Mr. GRIFFIN. Mr. President, I would like to have it clear that the unanimous-consent request contemplates bills and resolutions on the calendar.

Mr. MANSFIELD. The Senator is correct.

Mr. GRIFFIN. And that if a bill is called up after 5 o'clock and the Senate is not able to complete action on the bill, the bill will be laid before the Senate as the unfinished business the following day after 5 o'clock.

Mr. MANSFIELD. The Senator is correct.

Mr. COTTON. Mr. President, again, I am not asking the majority leader to bind himself to anything.

Mr. MANSFIELD. I understand.

Mr. COTTON. But is it the general intention as of now to take up the supplemental bill first if there can be an agreement on a time limitation and then go on to the education bill?

Mr. MANSFIELD. The Senator is correct.

Mr. JAVITS. Mr. President, am I correct that this does not include any of the usual additions to unanimous-consent requests such as the germaneness rule and so forth? This just deals with the order of business.

Mr. MANSFIELD. The Senator is correct.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, the unanimous-consent request of the Senator from Montana is agreed to.

Mr. GOLDWATER. Mr. President, would it be out of order to ask unanimous consent that I may have the floor at the conclusion of the discussion of the Senator from West Virginia (Mr. BYRD) today? I have some remarks to make on the SST.

Mr. MANSFIELD. That would be all right.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the distinguished Senator from West Virginia (Mr. BYRD), I be recognized for not to exceed 20 minutes.

Mr. PROXMIRE. Mr. President, reserving the right to object, I ask unanimous consent that following the remarks of the Senator from Arizona (Mr. GOLDWATER), I be permitted to speak for 5 minutes.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, the unanimous-consent requests of the Senator from Arizona and the Senator from Wisconsin are agreed to.

Mr. MAGNUSON. Mr. President, I must go to a committee meeting. We are working on the HEW bill in committee. I am sorry that I cannot be present to get in between these discussions. However, I have very much work to do in that field. And when the Senator talks about priorities, I am going over now and establish some priorities.

ORDER FOR ADJOURNMENT TO 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 o'clock tomorrow morning.

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

ORDER FOR ADJOURNMENT FROM FRIDAY, JUNE 19 TO MONDAY, JUNE 22, 1970, AT 10 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Friday, it stand in adjournment until 10 o'clock Monday morning next.

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

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, and to emphasize the point, at approximately 5 o'clock on Monday next, we will take up the supplemental appropriations bill, conditions being in order as anticipated, and following that the other appropriation bills.

BIOGRAPHICAL DIRECTORY OF THE AMERICAN CONGRESS

Mr. JORDAN of North Carolina. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on Senate Concurrent Resolution 70.

The PRESIDING OFFICER (Mr. SAXBE) laid before the Senate the amendment of the House of Representatives to the concurrent resolution (S. Con. Res. 70) authorizing the compilation and printing of a revised edition of the Biographical Directory of the American Congress (1774–1970), which was, after line 13, insert:

SEC. 2. There is hereby authorized to be appropriated for the Joint Committee on Printing such sums as may be necessary for the employment of personnel and the payment of expenses to carry out the provisions of this Resolution.

Mr. JORDAN of North Carolina. Mr. President, I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

DISCLOSURE BY SENATOR JAVITS OF DIRECT OR INDIRECT FINANCIAL INTERESTS

Mr. JAVITS. Mr. President, under the new Senate code of ethics, I filed last month with the Secretary of the Senate a formal "Statement of Contributions and Honorariums," in which I disclosed all substantial contributions or honorariums received by me during the last calendar year. The form is a public document to which the press has access.

In addition, I filed under the Senate rules a "Confidential Statement of Financial Interests," which includes lists of companies in which I have a direct or indirect financial interest. As that statement is filed with the Comptroller General under the rules of the Senate and is not open to public examination, I hereby publish a list of companies subject to some form of regulation by the Federal Government—or which I feel may be doing some appreciable business with the Federal Government—in each of which I have an interest, direct or indirect—generally in a family trust of which I am trustee—as of this date, in an amount exceeding $5,000.

These are normal investments in publicly owned corporations and constitute no element of control alone or in combination with others, directly or indirectly:

Abbott Labs, American & Foreign Securities Corp., Baxter Labs, Cenco Scientific Inst., Cities Service Corp., Control Data, Corinthian Broadcasting, Criterion Insurance Co., DuPont, Felmont Oil.

First National City Bank of New York, General Instrument, Government Employees Corp., Government Employees Financial Corp., Government Employees Insurance Co., Government Employees Life Insurance Co., South Carolina Electric & Gas Co., Southern Co., Transamerica Corp. of Delaware, Trans World Airlines, White Shield Oil & Gas.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

Mr. BYRD of West Virginia. Mr. President, for the information of Senators, there will not be a vote on my amendment today.

ADDITIONAL COSPONSORS

Mr. President, by some mistake, the name of the Senator from Virginia (Mr. SPONG) was left off the printed amendment yesterday.

I therefore ask unanimous consent again that the name of the Senator from Virginia (Mr. SPONG) be added as a cosponsor of amendment No. 708, and that the names of the Senator from Alabama (Mr. ALLEN), the Senator from Illinois

(Mr. PERCY), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kansas (Mr. DOLE), and the Senator from Arizona (Mr. GOLDWATER) be added as cosponsors of amendment No. 708.

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

Mr. BYRD of West Virginia. Mr. President, amendment No. 708, which I have offered in my own behalf and in behalf of the Senator from Michigan (Mr. GRIFFIN), the Senator from Virginia (Mr. SPONG), and other cosponsors whose names have now been stated, reads as follows:

On page 5, between lines 18 and 19, strike the period and insert the following: ", including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed".

Mr. President, paragraph (1) of the Cooper-Church amendment now reads as follows: "retaining United States forces in Cambodia;".

Together with certain words in the preamble, the Cooper-Church language in paragraph (1) now states:

No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

(1) retaining United States forces in Cambodia;

On June 3, I offered an amendment the purpose of which was to add the following words to the language of paragraph (1):

Except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam, or to facilitate the withdrawal of United States forces from South Vietnam.

Mr. President, my perfecting language, when added to the Cooper-Church amendment, would then have read as follows, beginning at the comma on line 4 on page 5 of H.R. 15628.

No funds authorized or appropriated pursuant to this Act or any other law may be expended for the purpose of—

(1) retaining United States forces in Cambodia, except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam, or to facilitate withdrawal of United States forces from South Vietnam;

Mr. President, my amendment upon that occasion was cosponsored by Senators GRIFFIN, STENNIS, SCOTT, HANSEN, DOLE, ALLEN, BAKER, HOLLINGS, GOLDWATER, and THURMOND.

I sought in vain, on June 10, to modify my amendment, which has been given the number 667, star print, to read as follows:

On page 5, line 7, before the semicolon insert a comma and the following: "except that the foregoing provisions of this clause shall not preclude the President from taking only such action as is necessary in the exercise of his constitutional powers and duties as Commander in Chief, to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam; and the President is requested to consult with Congressional leaders prior to using any United States forces in Cambodia if, as Commander in Chief, he determines that the use of such forces is necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam;"

In view of the fact that the Senate had previously entered into a unanimous-consent agreement to vote on June 11 at 1 o'clock p.m., any modification by me of my amendment required unanimous consent. The able junior Senator from Arkansas (Mr. FULBRIGHT) objected to my unanimous-consent request that I be permitted to so modify my amendment. On June 11, during the 2 hours of debate preceding the vote at 1 o'clock p.m., on amendment No. 667, I attempted several times to modify my amendment to include the language that I have just quoted, but my unanimous-consent request was just as repeatedly objected to, and the vote at 1 o'clock p.m., occurred on amendment No. 667, star print, without the modification which I sought to make. The vote was 52 to 47 against my amendment.

Immediately following the defeat of my amendment on June 11, I announced my intention to renew, at a later date, my efforts to have the Senate consider and pass on a modified version of the amendment which had been rejected. The able majority leader then proceeded to call up an amendment to which he had referred just prior to the Senate vote rejecting my amendment. Senator MANSFIELD'S amendment, adopted by a vote of 91 to 0, was as follows:

On page 5, between lines 18 and 19, insert the following: Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief.

Mr. President, subsequent to the date of June 11, and over the past weekend in particular, I discussed various modified versions of my amendment with at least 50 Senators. I have had several discussions about a modified version with the able assistant Republican leader, who was the chief cosponsor of amendment 667, and also with the able junior Senator from Virginia (Mr. SPONG) whose observations and questions during the debate on amendment No. 667, star print, were most helpful and incisive, and which I think pointed to some weaknesses in the verbiage of that amendment.

I have personally visited with many Senators; I have talked with them on the telephone; I have talked with them in their offices and in my office; and a modification has been drawn, redrawn, drawn again, and redrawn a number of times until finally the modification which is before the Senate was agreed on. In the course of those discussions, I also discussed the modification with the able authors of the Cooper-Church amendment, and with the majority leader. I think that those discussions with the Senator from Kentucky (Mr. COOPER), the Senator from Idaho (Mr. CHURCH), and the Senator from Montana (Mr. MANSFIELD) were, indeed, exceedingly helpful in pointing the way to a modified version which, in the judgment of all of us, apparently will do what all of us want to do; namely, assure our fighting men in Vietnam, their relatives and friends in this country, the American people, in general, as well as the enemy that the Senate does not intend by anything it says or does to prevent whatever is necessary to be done to protect the lives of American servicemen wherever they are deployed.

We all want to do this; we all have wanted to do this from the beginning, but I think the version of the amendment which is now before the Senate, while it may not have the unanimous support of all Senators, is one which does represent a pretty fair consensus of viewpoints among Senators on both sides of the aisle and on both sides of the overall issue before the Senate with respect to the Cooper-Church amendment.

So yesterday, on behalf of the Senator from Michigan (Mr. GRIFFIN) and the Senator from Virginia (Mr. SPONG), I offered this modified version of my previously rejected amendment, and at that time I asked that the modified version be stated by the clerk, printed, and that it lie on the table. The modified version, which has been given the number 708, reads as follows, and I have read it, but I shall read it again:

On page 5, between lines 18 and 19, strike the period and insert the following: ", including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed".

The amendment which I have now offered, if adopted by the Senate, when added to the verbiage contained in the Mansfield amendment—and they must be read together—would read as follows:

"Nothing contained in this section"—referring to section 47 "prohibition of assistance to Cambodia," the so-called Cooper-Church amendment—"shall be deemed to impugn the constitutional power of the President as Commander in Chief, including the exercise of that constitutional power which may be necessary to protect the lives of United States armed forces wherever deployed."

Mr. President, I think it would be well—for the purpose of sketching a historical background into the overall context of my statement today—to insert in the RECORD my Senate floor speech of June 3, and I, therefore, ask unanimous consent to include that speech at this point in the RECORD.

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

Mr. BYRD of West Virginia.

* * * * *

Mr. President, Edward S. Corwin, in his book, "The President—Office and Powers, 1787–1957," made this statement:

"Actually, Congress has never adopted any legislation that would seriously cramp the style of a president attempting to break the resistance of an enemy or seeking to assure the safety of the national forces."

It is my opinion, Mr. President, that the Cooper-Church amendment, as now written, would, for the first time in history, dangerously "cramp" the President who seeks to "assure the safety" of American military forces stationed abroad and to expedite and

facilitate their ultimate withdrawal from South Vietnam.

Consequently, I have today offered this amendment—No. 669, as modified—to the Cooper-Church language, so as to make it clear that the President, acting as Commander in Chief, will retain his full powers to act to "assure the safety" of our fighting men still stationed in Southeast Asia.

My amendment, I think, is quite clear in its intent. It is also quite clear in its meaning and should require but little explanation by me today. Before addressing my remarks to it, however, I wish to make some comments which I consider relevant to the subject of the constitutional powers of the Congress and the constitutional powers of the President in relation to this whole matter and with particular reference to the Cooper-Church amendment which I seek to change, in part.

For more than a decade now—and under four Presidents, representing both political parties—we have been involved, in varying degrees, in a war in South Vietnam. Our actual participation, insofar as the loss of American fighting men is concerned, dates back to March 1965—although our active involvement began earlier, as I have indicated. Our heaviest losses occurred during the years 1967 to 1968. In those years, we lost 27,569 men. American casualties—as well as those of the enemy—accelerated sharply during the Tet offensive in January 1968. In the month of March 1968, President Johnson made his surprise announcement that he would not be a candidate for reelection, and he announced a halt to the bombing over most of North Vietnam. The peak of American participation, with respect to total American personnel involvement, was 543,482 men—in the month of April 1969.

President Nixon, as did President Johnson before him, has made a sincere effort to enter into meaningful negotiations for peace, but, like his predecessor, has met with no measurable success in this regard. Meanwhile, Mr. Nixon has announced a policy of gradual withdrawal of military personnel, and, in pursuance of that announced policy, has reduced the number of American servicemen in Vietnam from 543,482 men in April 1969 to 428,050 men as of yesterday, June 2, 1970—a total reduction of 115,432 men. Only a few weeks ago, the President announced that 150,000 additional men would be withdrawn by the spring of 1971. President Nixon continues to support a policy leading to the Vietnamization of the war and to a decrease in American involvement. This policy has met with fairly general acceptance throughout the country, and in the Congress, apparently, if we are to judge by the diminution of rhetoric regarding the war in recent months. The President's April 30 televised announcement concerning the incursion into Cambodia triggered a sharp reaction and a mercurial escalation of both rhetoric and protests around the country, and particularly on some of the college and university campuses of the Nation.

Here on the Senate floor we are witnessing a renewed and vigorous debate, which, for some weeks, has been centered upon the so-called Cooper-Church amendment to the Foreign Military Sales Act, H.R. 15628.

Before directing my attention to the Cooper-Church amendment, I wish briefly to state the position I have maintained during the years of American involvement in South Vietnam. Throughout my service in the Senate—the beginning of which service antedates the start of direct American participation in the fighting—I have said very little on the Senate floor or in West Virginia or anywhere else concerning the war in South Vietnam. I have considered myself neither "hawk" nor "dove," to use the common labels. I have, however, supported all appropriations bills providing for the support, the equipping, and the pay of American servicemen in Vietnam. If this makes me a "hawk," it would also characterize practically every sitting Senator as a "hawk" inasmuch as those Senators who have opposed appropriations for the conduct of the war can be numbered on the fingers of one hand, and at least two of these Senators were defeated in subsequent elections.

In supporting appropriations for the war in Vietnam, I have taken the position—and most Senators have apparently viewed the matter likewise—that as long as our country sends men to fight in a foreign land, we ought not be niggardly in appropriating adequate funds for clothing, military pay, ammunition, weapons, and other military hardware, because the least we can do in fulfilling our duty to those fighting men is to provide them with the kind of financial and military support that will enable them to fulfill their military responsibilities and to return home safely.

As to whether or not our country was right in becoming involved, perhaps only future historians will be able to render an objective and fair judgment. It was the view of our leaders—meaning the Chief Executive and his military and civilian advisers—in the previous administrations of Presidents Eisenhower, Kennedy, and Johnson, and now under the administration of President Nixon, that it was in America's best interest that South Vietnam not be taken over by the Communists. Our Government took the position that if South Vietnam were to fall to the Communists, then all of Southeast Asia could and probably would, eventually fall, thus turning over to the Communists a vast area of 200 million people and rich mineral resources.

It was the view of our leaders that the fall of Southeast Asia to the Communists would be a blow to the free world and that America should help to prevent this from happening.

It was also stated that if America did not act, the Communists would interpret this failure to act as a sign of weakness and that wars of so-called "national liberation" would break out in various other parts of the world.

Gen. Vo Nguyen Giap, the top commander of the North Vietnam military forces, was quoted as saying:

"South Vietnam is the model of the national liberation movement of our time. If the United States can be defeated in South Vietnam, it can be defeated everywhere in the world."

The Peiping Peoples Daily, the foremost Chinese Communist newspaper was quoted as saying that the Vietnamese conflict "is the focal point of the international class struggle" and is the "acid test for all political forces in the world." Thus, it was made to appear that South Vietnam was a "test" case, a landmark case.

The leaders of our Government, moreover, have proceeded on the premise that we had made commitments to go to the aid of South Vietnam. In 1954, President Eisenhower wrote to President Diem of South Vietnam assuring him of American assistance in "developing and maintaining a strong, viable state, capable of resisting attempted subversion or aggression through military means."

* * * * *

The Southeast Asian treaty, which created the organization called SEATO was signed at Manila in September 1954 by the United States, Great Britain, France, Australia, New Zealand, Pakistan, Thailand, and the Philippines, and was approved by the U.S. Senate in 1955 by a vote of 82 to 1. That treaty protects against Communist aggression not only its members, but also anyone of the three non-Communist states growing out of former French Indochina which asks for protection.

Article IV of the SEATO treaty provides in section 1 as follows:

"ARTICLE IV

"1. Each Party recognizes that aggression by means of armed attack in the treaty area against any of the Parties or against any State or territory which the Parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations."

Section 2 of Article IV of the SEATO treaty states that—

"2. If, in the opinion of any of the Parties, the inviolability or the integrity of the territory or the sovereignty or political independence of any Party in the treaty area or of any other State or territory to which the provisions of paragraph 1 of this Article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense."

Section 3 of Article IV of the SEATO treaty states:

"3. It is understood that no action on the territory of any State designated by unanimous agreement under paragraph 1 of this Article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned."

Mr. President, the treaty provisions made it plain that the territory covered by the treaty embraced Southeast Asia.

A protocol was adopted by the Parties to the SEATO Treaty. The protocol states that—

"The Parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the States of Cambodia and Laos and the free territory under the jurisdiction of the State of Vietnam.

"The parties further agree that the above mentioned states and territory shall be eligible in respect of the economic measures contemplated by Article III.

"This protocol shall enter into force simultaneously with the coming into force of the Treaty."

Thus, Mr. President, the protocol term "free territory under the jurisdiction of the State of Vietnam" describes and includes what we now refer to as South Vietnam. Cambodia withdrew from protocollory status by request of Prince Sihanouk in 1965.

Laos was withdrawn by the 1962 Geneva agreement.

I have quoted these excerpts from the SEATO Treaty in order to recall the background against which our leaders in various administrations under both political parties took the position that a binding commitment had been made to assist the Government of South Vietnam in meeting aggression and subversion endangering the peace of the treaty area.

On September 29, 1954, 3 weeks after the signing of the SEATO Treaty, the U.S. Department of State issued a communique concerning conversations conducted between representatives of the United States and France regarding Southeast Asia. Excerpts from that communique are as follows:

"Representatives of the two Governments have had very frank and useful talks which have shown the community of their views, and are in full agreement on the objectives to be attained.

"The conclusion of the Southeast Asia Collective Defense Treaty in Manila on September 8, 1954, has provided a firmer basis than

heretofore to assist the free nations of Asia in developing and maintaining their independence and security. The representatives of France and the United States wish to reaffirm the support of their Governments for the principles of self-government, independence, justice and liberty proclaimed by the Pacific Charter in Manila on September 8, 1954.

"The representatives of France and the United States reaffirm the intention of their governments to support the complete independence of Cambodia, Laos, and Viet-Nam. Both France and the United States will continue to assist Cambodia, Laos, and Viet-Nam in their effort to safeguard their freedom and independence and to advance the welfare of their people."

So, Mr. President, the United States had, in the viewpoint of our national leaders, pledged its assistance to Viet-Nam, which assistance, in the course of history and events, took the form, first, of financial aid, and, eventually, of armed support for the Government and for the people of South Vietnam, the division of Vietnam having been formally accomplished through the Geneva accords of 1954.

Beginning in 1955 the U.S. Congress has appropriated moneys for economic and military assistance to South Vietnam, thus underwriting the pledge.

In 1960, Mr. Eisenhower again wrote to President Diem assuring him that—

"For so long as our strength can be useful, the United States will continue to assist Vietnam in the difficult yet hopeful struggle ahead."

In 1961, the late President John F. Kennedy wrote to President Diem pledging that our government was "prepared to help the Republic of Vietnam to protect its people and to preserve its independence." President Kennedy went on to say that we would promptly increase our assistance to the defense effort of the Republic of Vietnam.

In August of 1964, Congress, by a combined vote of 504 to 2, passed the Gulf of Tonkin resolution expressing its support for actions by the President "including the use of armed force" to meet aggression in Southeast Asia.

These commitments were iterated and reiterated by President Lyndon B. Johnson.

Again, perhaps only future historians will be able to render a just and objective verdict as to whether or not these premises for American involvement were sound.

My position throughout the years has been not so much that of an advocate of these predicates for American involvement, but rather, it has been one of supporting our fighting men who are in South Vietnam—through no choice, in most cases, of their own—and also, I have consistently taken the position that although I may differ with the President on domestic matters, it was my duty—as long as I felt the President to be acting wisely, reasonably, and responsibly, based on the circumstances—to support him as Commander in Chief, regardless of his political party, in a situation involving the Nation at war. This is no place for partisan politics.

When our country is at war—and we are at war, even though not by a strictly formal declaration by the Congress—politics should end at the water's edge, and we should stand together as a nation and back up our leaders and our fighting men. It has always seemed to me that a policy of support for our leaders and a policy of support for our fighting men in time of war is a policy best calculated to shorten the war, keep down the casualties, and bring the fighting men home. This is not to say that I will agree with every tactical decision of the Commander in Chief. I probably will not. But I do not have the responsibility and the duty to make tactical decisions. The President carries this burden; I do not.

But, the price of disunity and division at home is loss of morale on the part of our troops in the field and, ultimately, the possible loss of whatever cause those American troops may be engaged in. A cardinal example of this principle can be seen, if we will but review recent history, in the failure of the French effort in Indochina.

France's defeat at Dienbienphu was characterized not only by the incompetence of the French high command, but also—and probably more so—by the monstrous indifference of a nation. It can be said of France that she showed the most complete indifference toward her army, and that, in the case of individuals, this crime of omission is known as "failure to assist persons in danger." Punishable by law in the case of ordinary citizens, it leads, when the whole nation is guilty, to that resignation from which a people never recovers, and which it pays for, sooner or later, with its own death.

There were reasons why Dienbienphu was a victory for the less well equipped of the two armies. At the bottom of everything was faith or the lack of faith, the will of a people or its decline. The corruption of conscience, the cowardice of Government leaders in the face of a truth which they refused to see because it would have called for virtues they did not practice—everything predisposed the unhappy country of France for one of the greatest abominations of the century. Napoleon could well have had such in mind when he said:

"In war, a great disaster always indicates a great culprit."

The French people—not the French armies—were the first culprits.

The Vietminh commander, General Giap, said to a French journalist in 1963 as he was leaving Hanoi for a visit to the old battleground at Dienbienphu:

"If you were defeated, you were defeated by yourselves."

I hope that General Giap will not be able to make a similar remark to an American writer some day—not that I expect victory in this war so much. It is just that defeat—or the essence of it—is not wholly beyond the pale of possibility.

Whether our involvement in Vietnam was, from the first, premised on a sound foundation, is not the question now. In retrospect, one may say that it was a mistake. Future historians may say, however—based upon the full consequences and the clear results, of which we are not privileged to see at this moment—that it was not a mistake. Our efforts may yet prove to have thwarted the Communists in their plan to take over South Vietnam. Our sacrifices, painful and written in blood as they have been and as they continue to be, may, in the judgment of history, have thwarted Communist conquest in Southeast Asia. It is difficult to see even the past clearly, at the present moment, to say nothing of what may lie beyond the present.

I am not a military man, but I suppose I can afford the luxury of expressing one man's opinion. It is this. We have already spent more than $100 billion and we have lost more than 40,000 American lives. From the beginning, we fought this war with one hand tied behind our back.

Perhaps that is the way we should have fought it. As I say, I am no military man. But, expressing one man's opinion, I think we should have hit the enemy with all our conventional power, with enough of it to have destroyed his dikes and to have forced him to negotiate in good faith.

Our fighting men did not ask to go to Vietnam. But having sent them, we should have done everything within the bounds of reason to give them every protection we could offer in order to get them back alive. I think that every parent in America who saw a son, and every grandparent in America who saw a grandson, go marching off to that war in South Vietnam, would certainly share this viewpoint, that, having sent those sons and grandsons, we should have done everything within the bounds of reason to give them every protection we could offer, in order to protect them and to get them back alive.

We did not do this. Not having done it, it sems to me that we should now support the President's policy, it makes no difference what his political party may be—the Commander in Chief's policy, may I say—of Vietnamization and gradual withdrawal, and we should get out of Vietnam.

In view of the fact that our country is so greatly divided on this question, and in view of the fact that it has demonstrated a lack of unified will, I believe that this is the only course that we can now follow. I believe we can yet extricate ourselves by gradually withdrawing as we continue to prepare the South Vietnamese to defend themselves. In the long run, perhaps a Communist takeover of Southeast Asia will have been prevented.

* * * * *

Mr. President, although there have been many questionable aspects of our involvement in Southeast Asia, there have also been a number of positive effects from our presence there, according to many observers, one of these effects being the increasingly successful Vietnamization effort.

Indonesia, moreover, overthrew its repressive Communist regime in 1965, a feat that many experts said could not have been accomplished without our presence in Southeast Asia. Our presence in South Vietnam has also enabled Thailand to build up its own defenses, and Burma has been able to strengthen its position of neutrality largely because of American troops fighting in South Vietnam.

Now, as to Cambodia. Several weeks ago, there were rumblings which indicated that the President might be called upon to make a decision with respect to going to the aid of the Cambodian Government following the ouster of Prince Norodom Sihanouk. I urged the President not to involve American fighting men in what I felt might become another Vietnam—in other words, a war to support the government of Cambodia. In a Senate floor speech on April 4, I stated:

"The United States should not become involved in the fighting in Cambodia. The new rulers of Cambodia have been hinting that they may seek American help in fighting the communists. For too long now, American troops and the American people have shouldered a heavy burden in fighting in Southeast Asia. To fight in Cambodia would only add to that burden."

Mr. President, I still feel today as I did on April 4. The United States should not become involved in fighting in Cambodia for Cambodia, or in support of any Cambodian Government.

Mr. President, on April 30, the President announced his decision to attack North Vietnamese and Vietcong sanctuaries along the Cambodian-South Vietnamese border. In a televised address to the Nation, the President stated that his purpose was to destroy the enemy's capability in inflicting, from nearby Cambodia, great casualties upon American troops and of hampering the pacification and Vietnamization programs. The President stated that the incursion into Cambodia on the part of American troops would only be temporary and that all American fighting men would be out of Cambodia by the end of June.

To date, I have not commented on the President's action. I am still opposed—I repeat—and will continue to be opposed to the use of American troops in Cambodia in any war to support any government of that country. Let Asians carry the manpower burden of keeping Asia free.

But the President's action, as he explained it, did not contemplate the use of American

forces to fight for Cambodia. The invasion into Cambodia was, he said, for the limited purpose of giving protection to our men in South Vietnam, destroying enemy sanctuaries—some of which were within 35 miles of Saigon—and gaining additional time for South Vietnamese takeover of their own defense, thus enabling more Americans to return home.

And according to information furnished us, the Cambodian operation may have gone far in accomplishing the objectives sought.

Mr. President, as of yesterday June 2, 1970, 8,193 enemy bunkers had been destroyed; 15,199 individual weapons and 2,106 crew-served weapons had been captured; 133,721 antiaircraft rounds, 45,520 mortar rounds, 358 vehicles, 39,600 pounds of medical supplies, 3,925 mines, 34,768 grenades, 72,000 pounds of miscellaneous explosives, 10,178,088 rounds of small arms ammunition, 10,938,000 pounds of rice, 500 satchel charges, 1,515 large rocket rounds, 25,435 smaller rocket rounds, 21,555 recoilless rifle rounds, 40 boats, 36 generators, and 185 radios had been confiscated. The enemy had lost 10,906 men.

Can anyone say rightly, Mr. President, that this is not a serious setback to the enemy, or that it will not result in a major saving of American lives?

Let me go a step further. Allied sweeps into the Cambodian-Vietnam border area have located a number of major base complexes used by the North Vietnamese and Vietcong troops. One of the largest of these bases taken by allied forces was discovered by elements of the U.S. 1st Air Cavalry Division, on May 5, in the Cambodian Fishhook area. It is an immense complex, some 3 square kilometers in area, dubbed "The City" by U.S. cavalrymen.

A thorough analysis of what was found there now confirms that in overrunning this base, United States and South Vietnamese forces have dealt the enemy a serious blow.

The logistical part of "The City" was located in three separate areas and included approximately 182 storage bunkers. About 80 percent of the bunkers, each measuring 16 by 10 by 8 feet, were being utilized and contained enemy war supplies. Sixty percent or 87 of the 145 bunkers were filled to capacity. The bunkers contained munitions, weapons, food stocks, medical supplies, and quartermaster clothing and equipment.

While there were large stores of many kinds of materiel, the big find was ammunition—including more than 1½ million rounds for AK–47 rifles. Generally, all types of equipment and supplies were in an excellent state of preparation and in good operating condition when captured. All bunkers were serviced by bamboo matted trails from 3 to 8 feet in width. "The City" was well organized and was capable of rapid receipt and issuance of large quantities of supplies.

Judging from the general condition of the oldest bunkers and from captured supply documents found in the area, it appears that the storage depot had been in operation for some 2½ years.

The bunkers in the northern part of the complex appeared to have been constructed within the last 6 months. An analysis of the documents indicates that this complex was a supply depot with the primary mission of obtaining supplies and equipment within Cambodia and then delivering the supplies to Communist forces in South Vietnam.

In addition, this depot provided supplies to a number of training and headquarters elements. In addition to the logistical storage facilities, the complex contained a training area consisting of a large classroom, small arms firing range, and mess facilities to support the training area. Also located in the southeastern part of the complex was a small animal farm.

These facilities and these training aids, including silhouette targets and dummy grenades as well as a large stock of items of personal clothing and equipment, indicates that a portion of this base area was used to provide refresher and political training to recent replacements from Vietnam.

Colocated with the supply depot, the training center could also readily outfit the replacements by providing refresher training.

Can anyone deny, Mr. President, that the capture of "The City" was not a major blow to the enemy?

Can anyone deny or can anyone say that the capture of "The City" did not in the long run result in the saving of American limbs and of American lives?

An article by William J. Coughlin, a Los Angeles Times reporter in Saigon, tells us more.

He writes as follows:

"Communist forces, including two of North Vietnam's best divisions, are scattered, disorganized, and on the run, leaving behind them thousands of dead and a year's worth of arms, ammunition, and food.

"Since May 1 they have not been able to mount a single counteroffensive in either Cambodia or South Vietnam."

Continuing to read from Mr. Coughlin's Los Angeles Times article:

"More than in Vietnam, the initiative will remain with the allies since the North Vietnamese have no local popular support in Cambodia and the Vietcong can not hide its weapons and vanish among the population of Cambodia as it does in Vietnam."

Thus, in the face of the statistics and the various reports, the incursion has in the opinion of many, been very successful to date. Whether in the end we will have gained, remains to be seen. But it would appear, at the moment, that the mission's objective will have been accomplished in large part.

The President will address the Nation this evening on the progress of the Cambodian operation and the current status of the Vietnamization program. It is possible, because of the apparent success of the move into Cambodia, that the President will be able to announce plans for the withdrawal of American forces sooner than the original timetable called for. I cannot say that he will. I do not know. I would only hope so.

As to the Cooper-Church amendment to the Foreign Military Sales Act, the amendment provides, among other things, that "in order to avoid the involvement of the United States in a wider war in Indochina and expedite the withdrawal of American forces from Vietnam" no funds may be expended after June 30 for retention of U.S. ground forces in Cambodia or for conducting any air combat activity over Cambodia except to interdict the movement of enemy supplies or personnel into South Vietnam. This is, in essence, as I recall, the intent of the language.

I have listened to the debate on the amendment and have found no issue during my 12 years in the Senate to be more vexing, no decision to be more difficult. I have read the mail from constituents, and I have talked with as many of them as possible. I have carefully studied the issue in an effort to reach a judgment on this question which, to say the least, has troubled me greatly.

I do not question the sincerity of those who support the Cooper-Church amendment, and, in my judgment, most of the arguments in support of the amendment, though not altogether necessarily persuasive, are not without some substance.

Although I would not presume to substitute my judgment for that of others, I do have a responsibility as a Senator from the State of West Virginia to study the arguments on both sides, evaluate the facts, and reach a judgment and then to vote my convictions. It is each Senator's duty to act in the best interest of his country—as God gives him the wisdom to determine the direction in which those good interests lie.

I favor some of the provisions in the amendment. As a matter of fact, I favor most of the provisions in the amendment. I would like to vote for the Cooper-Church amendment, but I have reached a decision to vote against the amendment unless it can be changed to make it clear that the President has the power, the authority, and the flexibility to provide protection for our military forces still stationed in South Vietnam.

Proponents of the Cooper-Church amendment argue, I believe, that the limitations imposed by the amendment are no greater than what the President has already stated his intentions to be—to withdraw all American forces from Cambodia by June 30.

It is true that the President has said U.S. forces would be out of Cambodia by the end of June. It is also true that the enactment into law of the Cooper-Church amendment—if such enactment were to be successful—would provide for a June 30 deadline on the retention of U.S. troops in Cambodia. It is conceivable that circumstances could prevent the removal of the last American from Cambodia by the June 30 dateline, but I believe the President means to do this. The operation—in the opinion of many of the experts—has been successful in destroying vast stores of military provisions, weapons and materiel; the monsoon rains will begin to fall within a few days; and some of the U.S. personnel are already withdrawing and have already been withdrawn from Cambodia. The danger of the amendment, as it is now written, I believe, arises not so much from any effect it might have on the present operation, but, rather, it would appear to guarantee to the enemy complete freedom to return to the border sanctuaries without fear of future attack from U.S. ground forces. I do not believe that such immunity should ever be assured to the enemy as long as American fighting men are stationed in South Vietnam.

The President, as Commander in Chief, must retain a free hand to do what is necessary to protect American lives in Vietnam, and the President, as Commander in Chief, has a duty to do so. As presently written, the amendment would, therefore, appear or attempt to tie his hands to this extent, it seems to me.

The proponents also argue that the President should have consulted Congress before going into Cambodia, and I agree that it might have been better had he done so. I share the concern of those Senators who feel that congressional leaders should be consulted about such matters beforehand, but I can conceive of circumstances where the element of surprise may be considered vital to the success of such an operation as the incursion into Cambodia. The President may have felt that to have announced his plans to Congress far in advance of the action taken in this instance could have sacrificed this advantage of surprise, and, to that extent, the operation's chances of success might have been compromised. Yet, I believe that the President would have been spared certain criticisms had he consulted more than was done. We were informed just within the hour prior to his telecast to the American people.

Some people argue that the Cambodian operation constituted the invasion of a neutral country, and, thus, opened a new undeclared war. American forces did, indeed move into a country which had claimed neutrality. However, according to the principles of international law, any country claiming neutrality has a concomitant duty to prevent a belligerent from moving troops or supplies onto its territory. If the neutral country fails or is unable to prevent such movement of troops or supplies onto its territory, then another belligerent has a right, in its own defense, to invade the so-called neutral territory and to destroy the enemy.

For years, the North Vietnamese and Vietcong, had used Cambodia as a privileged

sanctuary from which vicious attacks were repeatedly launched against American and South Vietnamese forces, but because of Cambodia's claimed neutrality, the enemy had enjoyed immunity from retaliation. But a duty rested upon Cambodia to resist the use of her territory by the North Vietanamese and Vietcong. For one reason or another—perhaps she was too weak to act—she did not do this. Consequently, the United States and South Vietnam had a right, under international law, to invade Cambodia in order to put an end to the use of Cambodian territory by the enemy.

As to the contention that a new war had been initiated without a congressional declaration, this is completely without substance. As far as U.S. forces are concerned, it is the same war and the same enemy. United States forces were not attacking Cambodia—they were but temporarily—according to the President—extending the battlefield in order to attack the same forces with which they had been engaged, and from whom they had suffered great casualties, for years.

Based on the President's statement, the Cambodian exercise, insofar as American troops are concerned, is meant to be only a temporary expansion of the South Vietnamese battleground. The operation has a limited objective, and the President so indicated, and that objective was and is to destroy the enemy's sanctuaries on the Cambodian-South Vietnamese border and his capability to wage war on American forces and their allies in South Vietnam. There is no escalation of the fighting in the overall sense—the only escalation being that of hitting the enemy in a privileged sanctuary heretofore immune from attack, but a sanctuary nevertheless from which the enemy has been able to inflict casualties upon American and South Vietnamese forces and from which the enemy has been able to harass and impede the pacification and Vietnamization effort.

For at least 5 years the North Vietnamese and the Vietcong have operated out of those privileged sanctuaries, moving freely back and forth across the Cambodia-South Vietnamese border, while Americans and their South Vietnamese allies have scrupulously stopped at that border. Nobody can say how many thousands of Americans have died during those years because of the fact that the border served better than any Maginot Line would have served as a protection for the enemy. The Cambodian action appears to have minimized the chances of any great numbers of Americans being killed by a sudden sally from the sanctuaries in the immediate months ahead, when the President is reducing or has reduced significantly the number of American fighting troops in South Vietnam.

Supporters of the Cooper-Church amendment say that its adoption is necessary to protect the United States from a deepening involvement in an expanding Indochina war. This argument is an appealing one. However, the President has, upon numerous occasions, announced his intention not to deepen the involvement but, rather, to gradually withdraw from involvement. The Cambodian exercise, according to the President, is meant to hasten American withdrawal from South Vietnam in the long run.

In reality, the amendment's adoption, as it is now written, could, in my judgment, have the undesired effect of making more difficult our withdrawal of troops over the long pull because it would in effect, appear to limit the President's power to protect American forces in South Vietnam.

The amendment's backers claim that Congress must reassert its constitutional authority to declare war and reestablish a constitutional balance in the division of powers between the legislative and the executive branches. This argument is a strong one. It is a cogent one. It is an appealing one.

According to the Constitution, only Congress can declare war. Down to the present, however, Congress has never exercised this prerogative, except as a consequence of the President's acts or recommendations. The President, who is designated in article II, section 2, of the U.S. Constitution as "Commander in Chief of the Army and Navy of the United States," has full control over the use of the Armed Forces.

On his own authority, the President may, and the President frequently has, acting as Commander in Chief, committed the Armed Forces to armed action in order to protect the national interest beyond the borders of the United States.

Historically, the President, without the prior approval of Congress, has utilized the Armed Forces in response to an immediate military situation. Occasionally, prior congressional approval has been sought. Thus, President Adams requested congressional approval before committing Armed Forces in the quasi-war with France, 1798–1800. President Wilson likewise requested congressional authorization in 1914 to occupy Vera Cruz, Mexico, but ordered the Armed Forces into action before Congress voted its approval. In other instances, commitments in the form of, or commitments based on, existing international treaties, or commitments deriving from membership in international organizations, have occasionally provided legal support for Executive action. United States interventions in Cuba, 1906–33, and actions of the United States in its capacity as the United Nations Command in Korea, 1950–53, fall into this category.

So the President has used his authority as Commander in Chief in a great variety of situations. He has ordered the Armed Forces to resist attacks against the national territory; he has ordered the American Forces to protect American lives and to protect American property in foreign countries; he has ordered the Armed Forces to suppress piracy at sea, to enforce collection of indemnities, to pursue lawless bands, and to combat Communist aggression.

The constitutional authority to formally declare a war has always rested with the Congress and it rests with the Congress now. I see nothing in the Cooper-Church amendment which would amount to a reassertion by Congress of its authority to declare war. In the first place, the action in Cambodia does not constitute a new war, as I have already said. It is the same war against the same enemy which our forces have been fighting for the past few years. Hence, there is no occasion for any declaration of war by the Congress in this situation. If the supporters of the amendment have in mind a declaration of war against North Vietnam, it would appear to be too late for a formal declaration, with no good purpose to be served whatsoever. One cannot repeal history, and, hopefully, we are on our way out of, rather than our way into, a very real war in which we have been directly engaged at least since early 1965 and indirectly engaged for years prior thereto.

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Mr. President, as to the reestablishment of a constitutional balance in the division of powers between the legislatve and executive branches, I feel that this is long overdue, especially in many of the domestic areas. But with respect to the constitutional authority of Congress to declare war, that authority has not been challenged by the President nor has it been usurped, as some people claim. "To declare war" is to be distinguished from "to make war." As I have already indicated, many Presidents have exercised authority "to make war" under their constitutional powers as Commander in Chief, and they have done so without any congressional declaration of war.

The Cooper-Church amendment, though paying recognition—and I say this with the utmost respect for the sponsors and authors of the amendment—to the idea that the Congress acts in conjunction and in cooperation with the President, actually seems to me to attempt to supervene the powers of the Congress into matters which are, by authority of the Constitution, the responsibility of the President as Commander in Chief. Although stating that such action is "in concert" with the President's objectives in Cambodia—to wit, of achieving certain tactical goals and then withdrawing U.S. forces—the Cooper-Church amendment goes beyond this and actually, in force and effect, places grave restrictions on the President's authority and powers as Commander in Chief of the Armed Forces of the United States.

The Cooper-Church amendment, it is recalled, prohibits as now modified, after June 30, 1970, the use of any appropriated funds for the purpose of, among other things, "retaining U.S. forces in Cambodia."

Some have said that the Cooper-Church amendment is "a small, but important step" in the direction of bringing the Vietnam war to an end. This objective—to end the war—is a laudable one that I share with the movers of that amendment. I also share with them the fervent hope and expectation that the hostilities will be brought to an end and that no more American blood will be shed on that already stained ground known as Southeast Asia. The question, however, is whether this is an effective way to end the war, and whether, in the light of the Constitution and our history, the Cooper-Church amendment makes the very mistake that some have charged against the President; namely, crossing the barrier that marks the division of powers between the executive and the legislative branches of our Government.

As I said a little earlier in my colloquy with the Senator from Kentucky (Mr. COOPER), no one doubts the authority of Congress to take the steps of cutting off funds as suggested by the Cooper-Church amendment, for Congress is specifically designated by the Constitution as having within its province the power "to pay the debts and provide for the common defence," as well as "to raise and support armies, but no appropriation of money to that use shall be for a longer term than 2 years." Further, Congress is empowered to "declare war," Congress is empowered to "provide and maintain a Navy," Congress is empowered to "make rules for the Government and regulation of the land and naval forces" and Congress is empowered "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers." There can be no doubt at all, I repeat, of the power of Congress over the purse, whether for defense or for any other purpose.

Yet to urge the passage of this amendment on the ground that the President exceeded his own powers as Commander in Chief in moving U.S. forces into Cambodia—for the purpose of attacking and destroying certain enemy quarters, enemy supplies, and enemy troops—in my judgment, entirely misconceives the division of constitutional responsibilities as between Congress and the President.

Those provisions of the Constitution that are relevant to the matter under discussion are those vesting the executive power in the President, those making him Commander in Chief of the Army and Navy, and those enjoining him to "take care that the laws be faithfully executed." The President, as is also well known, is empowered to make treaties by and with the advice and consent of the Senate.

I think the President had every right to order U.S. Armed Forces into Cambodia for the purposes which he stated. I do not, by this, mean to applaud the fact that the Vietnam war has now spread—openly, even

though temporarily as it is hoped—to another country. In fact, I deplore strongly the necessity for this development. But one may do that, and one may also concede the power of Congress to control the purse strings in this and in other matters, without having to yield to the argument that the President exceeded his powers in taking this action.

Despite the fact that during the Constitutional Convention, the phrase "make war" was changed to "declare war"—with the intention of leaving to the President only the power to repel sudden attacks—in truth the Constitution does not spell out at all under what circumstances forces can be sent into battle or by whose decision, when Congress has not declared war and when no State has been "actually invaded" or is in "such imminent danger as will not admit of delay." Note that under article I of the Constitution, even a State among the several States may engage in war, under certain conditions, without a declaration by Congress.

Indeed, the constitutional conception of declaring war has, in actuality, probably been outstripped by the age in which we live, keeping in mind the speed, the secrecy, and the techniques and technologies which are the realities of today. Ironically, it is some of these very factors, according to John Jay writing in the Federalist, which give certain advantages to placing the war-making power—as distinguished from war-declaring power—in the hands of the President—that is, the unity of the office, its capacity for secrecy and dispatch, and its superior sources of information. To this is added the fact that the executive office is always on hand and always ready for action, which may not be true of Congress during an adjournment. Thus, it is now widely conceded that the President may, without a declaration of war or other congressional action, use Armed Forces abroad to protect American lives and American property. No such consensus, however, has been reached with respect to the broader question of the President's authority to use such forces to protect American interests as such, or to promote U.S. foreign policy.

We need not, however, reach such a question here and now, since Congress itself has, long ago and on numerous occasions, affirmed its support of the South Vietnamese people and Government, rightly or wrongly. The President's actions in going into Cambodia may also rest on the conceded power which he has to "protect American lives," it having been recognized for several years past that the enemy was using that country of Cambodia as a haven and sanctuary in attacking United States and South Vietnamese forces.

The constitutional question before us, then, is not whether Congress has the authority to cut off funds for Cambodia, but the question is whether it shall choose to exercise that authority to cut off funds. By the same token, as I have indicated, it seems clear that the President, acting under his powers as Commander in Chief of the Armed Forces, was legally and constitutionally well within his rights in making the action he did. Beyond this, there is little doubt in my mind that, even without regard to the Constitution, the President, acting under the Gulf of Tonkin joint resolution, has been fully and completely supported by Congress *in this* latest action and in prior actions.

By way of review, Mr. President, on August 2, 1964, North Vietnamese, torpedo boats attacked a U.S. destroyer, the *Maddox*, operating in international waters, in the Gulf of Tonkin. The next day, the United States protested to the Hanoi regime, and President Johnson instructed the Navy to issue orders to the commanders of U.S. aircraft and the two U.S. destroyers in the vicinity—the *Maddox* and the *G. Turner Joy*—to attack and destroy any force that attacked them in international waters. When the two ships were again attacked by North Vietnamese PT boats on August 4, "at least" two of the attacking PT boats were promptly sunk and U.S. air action was taken against North Vietnamese "gunboats and supporting facilities."

President Lyndon Johnson informed the Nation of this action that night. The next day, August 5, he asked Congress for a resolution "expressing the unity and determination of the United States in supporting freedom and in protecting peace in Southeast Asia." The President recommended a resolution "expressing the support of Congress for all necessary action to protect our Armed Forces and to assist nations covered by the SEATO Treaty." He added that it could be based upon similar resolutions enacted by Congress to meet the threat to Formosa in 1955, the Middle East in 1957, and Cuba in 1962.

Congress responded on August 7, 1964, with a joint resolution—the so-called Gulf of Tonkin resolution—adopted unanimously in the House and by a vote of 88 to 2 in the Senate, that expressed the approval and support of "the determination of the President, as Commander in Chief to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." It was signed into law by the President on August 10 and became Public Law 88-408.

Mr. President, the Gulf of Tonkin resolution was brief, and it was unambiguous. I shall read it in its entirety:

"JOINT RESOLUTION TO PROMOTE THE MAINTENANCE OF INTERNATIONAL PEACE AND SECURITY IN SOUTHEAST ASIA

"Whereas naval units of the Communist regime in Vietnam in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

"Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

"Whereas the United States is assisting the peoples of southeast Asia, to protest their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

"Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

"SEC. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

"SEC. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonable assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

"Approved Aug. 10, 1964."

Public Law 88-408 has never been declared unconstitutional, and it has never been repealed or amended. The President, therefore, in sending American forces into Cambodia to protect American fighting men in South Vietnam from armed attack, acted within the present law which "approves and supports" the President in taking "all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression." Anyone reading the plain language of Public Law 88-408 would learly discern this fact. I am surprised to hear charges, even by Members of Congress, that the President acted illegally, or that he acted unconstitutionally, or that he usurped the powers of Congress in going into Cambodia under the circumstances as he explained them. The truth of the matter is that he acted with congressional approval given in advance.

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So, it is rather late in the day for anyone, especially those of us who voted for the Tonkin Gulf resolution, to say that the President acted without authority or that he usurped the power of Congress in this instance. Future historians might have charged him with being recreant in his duty if he had not acted to protect our fighting men.

There are those who believe that the President's action should have been taken a long time ago, but, of course, notwithstanding the sound principle that, under international law, the United States would have been acting appropriately and justifiably in attacking the Cambodian sanctuaries—the circumstances being as I have already explained with respect to the responsibility of a neutral power to prevent the use of its territory by a belligerent—the opportunity and the advisability of launching an attack upon the Cambodian-South Vietnamese border's sanctuaries were greatly enhanced by the overthrow of Prince Sihanouk a few weeks ago.

I share the deep concern of everyone at the course of events in Vietnam and Cambodia. Let there be no mistake about that. I would hope—and I urge—that the President take us into his confidence wherever possible, with the view that together the Congress and the President may deliberate and decide these momentous questions of war and peace. The function of Congress does, indeed, go beyond that of appropriating money.

I believe, however, that the Cooper-Church amendment represents perhaps an over-reaction to the former actions of Congress in supporting and authorizing various presidential moves in Vietnam and elsewhere. It seems to me that such a step as cutting off funds in the midst of a shooting war, and restricting the President from attacking the enemy in Cambodian sanctuaries should of necessity require it again in the future, not only is highly dangerous to the security of our armed forces in Vietnam and Cambodia, but also constitutes an act which though certainly within the power of Congress, is unwise in principle. It comes very close to a tactical direction of troops in wartime—a duty which can only rest with the Commander in Chief, under the Constitution, and one that must be carried out by him personally, in response to his own constitutional obligations. Obviously Congress, while constitutionally empowered to declare a formal war, cannot direct battlefield tactics—and the Founding Fathers never envisioned its role as such. To claim that 535 Members of the House and Senate could assume such a responsibility would be sheer folly. This responsibility was vested in one man—the President and he was given the title Commander in Chief.

There is another argument that says, or at least implies, that adoption of the Cooper-Church amendment is necessary to calm the unrest in our country. I personally would

never vote for the amendment on such a dubious ground; namely, that it would calm the unrest on college campuses and elsewhere in the Nation. Congress must not be stampeded into unwise action in an attempt to appease mobs on campuses or anywhere else. To do so would be to capitulate to mob rule. I will never do this.

Moreover, it is a mistake to interpret the campus protests as being representative of majority thinking on the part of students and faculties. There is no doubt that all students are concerned about the war in Vietnam, but the students are not by themselves in this regard. Adults, too, are concerned. Parents are concerned. Grandparents are concerned. But, while the press makes a big thing out of a protest gathering on the Ellipse by an estimated 60,000 to 100,000 students—and those of us in public life who are accustomed to crowd estimates should know by now that such estimates nearly always tend to be substantially overblown—it should be remembered that there are 7 million students throughout the country in colleges and universities who did not come to the recent Washington demonstration.

We should not, therefore, allow ourselves to be influenced by demonstrations and acts of violence on the part of radical extremists. Of course this is not to imply that all persons who participate in these demonstrations are extremists.

I have been genuinely impressed by the concern expressed in letters received from students and other persons who have written earnestly and thoughtfully. But I have not been impressed or persuaded by the small minority of students and others who have written threateningly. If the Cooper-Church amendment is to be adopted, I say let it be approved on its merits, because only then will it stand the test of time. Let this Senate never be driven to act unwisely through threats of unrest and violence. We have laws and we have security forces which can be used to deal with those who engage in fomenting unrest and violence. Let the laws be enforced.

Mr. President, it was Clemenceau who warned us that, "War is much too serious a matter to be entrusted to the military"—which may have been a sound warning in his age and perhaps even more so in our own age.

But it was Walter Lippmann who cautioned those of us that, "War is too serious a matter to be entrusted to public opinion."

I have previously stated that I believe a vast majority of citizens, both adults and students alike, are in general agreement with the goals of our Nation, but even if that small minority of students bent on destroying our society were truly representative of public opinion in America, Mr. Lippmann's warning would still apply.

In his book "The Public Philosophy," the noted columnist called our attention to the "failure of public opinion in foreign affairs," and he said this:

"The unhappy truth is that the prevailing public opinion has been destructively wrong at the critical junctures. The people have imposed a veto upon the judgments of informed and responsible officials. They have compelled the governments, which usually knew what would have been wiser, or was necessary, to be too late with too little, or too long with too much."

Mr. President, Lippmann noted that public opinion "has required mounting power in this century," and he concluded that "It has shown itself to be a dangerous master of decisions when the stakes are life and death."

Mr. President, the stakes are life and death for the young Americans now fighting in Southeast Asia. My amendment is offered with the intention of allowing the President to retain the power to take whatever steps he deems necessary to protect those men.

Mr. President, there is a great deal of pressure from the small radical elements in our society for Congress to pass an extensive amendment that would serve to bind the President's hands not only in this present action in Cambodia but also in future actions that may be called for. There may be a certain temptation for some to accede to the reckless desires of this vocal minority. But again, if I may quote Mr. Lippmann, he warns against assigning "too much importance to the vocal minority. Relying too heavily on misguided public opinion," he says, "democratic officials have been compelled to make the big mistakes that public opinion has insisted upon." He continues that such total reliance "can be deadly to the very survival of the state as a free society if, when the great and hard issues of war and peace, of security and solvency, of revolution and order are up for decision, the executive and judicial departments, with their civil servants and technicians, have lost their power to decide."

When we attempt to take from the Commander in Chief his power to decide what action is needed to protect our fighting men, then we are, to a certain extent, threatening the security of our country, and to a larger extent we are giving a measure of security and comfort to the enemy.

Mr. President, I want, as much as anyone else to withdraw our men from South Vietnam. But they cannot be withdrawn overnight. This would be physically impossible. The President has been following a policy of gradual withdrawal, and I have supported that policy of gradual withdrawal. I have supported the President's policy of Vietnamization, a policy which will allow the South Vietnamese to take over the fighting as they more and more become able to do so. I have supported appropriations for training and equipping the South Vietnamese to defend themselves, so that our American fighting men can return home.

The President stated that it was to expedite this withdrawal that he decided on the Cambodian action. He felt that it would buy time for the South Vietnamese in which to prepare to defend themselves. He indicated that it would weaken the enemy along the Cambodian-South Vietnamese border, thus enhancing the prospects for success of the pacification of the countryside and for success of the Vietnamization program. He said that, by destroying the enemy sanctuaries, several months would be required, in view of the impending monsoons, for the North Vietnamese and Vietcong to rebuild those sanctuaries, and that, as a result, American casualties would be fewer in the long run, and American withdrawal of troops would be made more sure.

I hope that the President is right in his words and in his action. I certainly do not believe that it would be wise for the Senate to attempt to stay his hand in the protection of our men who are stationed in South Vietnam and in the President's desire to facilitate their eventual withdrawal from Southeast Asia

I think the President as Commander in Chief should be given a chance to accomplish his objectives. If he is able to do this, and if he is able to pull all American fighting men out of Cambodia by June 30, as he promised, the outlook for American withdrawal from South Vietnam, hopefully, will have been enhanced. If it ever becomes necessary to cut off funds to prohibit the use of U.S. forces in Cambodia, to fight for Cambodia, then we can do this later and at such time as it is evident that there is a clear and determined intention to involve American troops in a second and different Asian war in Cambodia and for Cambodia.

I would like to vote for other provisions that are included in the Cooper-Church amendment, but unless this restriction of the President's power to protect our own fighting men still stationed in South Vietnam is removed, I shall vote against it.

It is for this purpose, therefore, of eliminating such a restriction that I have offered this amendment today.

The Cooper-Church amendment states that, "unless specifically authorized by law hereafter enacted, no funds authorized or appropriated pursuant to this act or any other law may be expended" for certain purposes which are set forth in four paragraphs numbered 1, 2, 3, and 4.

I personally have no great objections to paragraphs 2, 3, and 4, for the most part, and, in fact, I want to emphasize I would vote for the Cooper-Church amendment were its thrust confined to those three paragraphs. Senators will note that each of paragraphs 2, 3, and 4 ends with the phrase "in support of Cambodian forces," whereas paragraph 1 makes no reference to "support of Cambodian forces."

In other words, the Cooper-Church amendment prohibits the use of funds for purposes enumerated in paragraphs 2, 3, and 4, all of which purposes are "in support of Cambodian forces." This suits me fine because I do not want, for example, to provide funds to pay the compensation of any U.S. personnel in Cambodia who—in the language of paragraph 2—"engage in any combat activity in support of Cambodian forces." I emphasize the words "in support of Cambodian forces." This is what got us so deeply involved in Vietnam in the first place.

But, as I have stated, paragraph 1 omits the phrase "in support of Cambodian forces," so common to the other three paragraphs.

Paragraph 1 of the Cooper-Church amendment, is confined to the retention of U.S. forces in Cambodia. Simply stated, it prohibits the use of funds for the purpose of "retaining United States forces in Cambodia." Period. Nothing is said here about cutting off funds for retaining U.S. forces in Cambodia "in support of Cambodian forces"—and, parenthetically, I would be against the use of U.S. forces in Cambodia to support Cambodian forces. What is said here is that funds are prohibited for retaining U.S. forces in Cambodia for any purpose. For any purpose, I repeat, whatsoever. To put it another way, the Cooper-Church amendment says, in paragraph 1, that the President, acting as Commander in Chief, is forbidden from sending any American soldier, any American sailor, or any American marine across the boundary line between South Vietnam and Cambodia or up the Mekong River in Cambodia after June 30, no matter what the existing conditions may be at that time, no matter how necessary to the safety of our military forces in Vietnam such action may be. The North Vietnamese and the Viet Cong would, in effect, be given an open invitation after June 30 to rebuild the sanctuaries which have recently been destroyed, with assurance that they would not need fear a resumption of attacks in the future from American ground forces.

This paragraph—paragraph 1—goes too far, in my judgment, regardless of the good intent—and I do not question the good intent—of the Senators who are sponsoring it.

The amendment I am offering would modify paragraph 1—and paragraph 1 only—to make it clear that the Cooper-Church language would not preclude the President from taking such action as may be necessary to protect the lives of U.S. force in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam.

I believe mine is a reasonable amendment. I believe it is a necessary amendment. I do not see how anyone would want to oppose it, because surely every one of us wants to secure the full protection of our servicemen while they are stationed in Vietnam, and wants to facilitate and expedite the eventual withdrawal of every American serviceman from South Vietnam.

Frankly, Mr. President, any realistic evaluation of the parliamentary situation must

lead to the conclusion that the Cooper-Church language, as presently written, will not likely become law.

At most, if it should clear the Senate as written, it will be but an expression of Senate sentiment—and a closely divided sentiment at that.

Even so, it could be wrongly interpreted by the enemy of our troops stationed in South Vietnam.

Mr. President, as of yesterday, Tuesday, June 2, 1970, there were still 428,050 U.S. servicemen in South Vietnam. I am quite sure that no Member of this body would like to subject even one of these men to the risk of further ventures by the enemy from Cambodian sanctuaries heretofore immune from attack by U.S. forces. The amendment which I have proposed aims to prevent that danger—it makes clear that the President is authorized to take action to protect the lives of those men or, in an effort to completely remove them from the hostilities, to take action to facilitate their withdrawal from South Vietnam. The amendment has no other purpose than this: its real goal is to assist in winding us up in South Vietnam, and in the meantime to protect the lives of our men who are still stationed there. And I urge its adoption.

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Mr. BYRD of West Virginia. Mr. President, with my June 3 Senate floor statement having been recalled for the purpose of a historical context, I wish now to repeat for the record certain observations which I made during the debate on the Byrd amendment, No. 667, star print, which was rejected by the Senate on June 11, the amendment having fallen short of adoption by only three votes. In other words, the amendment would have prevailed by a vote of 50 to 49 if only three opposing Senators had supported the amendment on the vote by which it was defeated.

Amendment No. 667 would only have affected paragraph (1) of the Cooper-Church language. Paragraph (1), when coupled with certain words in the preamble of the Cooper-Church amendment as I have already indicated, stated, in essence, that unless hereafter enacted by law, no funds authorized or appropriated in H.R. 15628, an act to amend the Foreign Military Sales Act, or in any other law, may be expended for the retention of U.S. forces in Cambodia after July 1 of this year. That language as written, if enacted, would, in my judgment—and there is disagreement in the Senate on this point—attempt to preclude the President from properly exercising his constitutional powers as Commander in Chief if it became necessary for him to again send U.S. troops into Cambodia for the protection of the lives of U.S. troops in South Vietnam. Amendment 667 would have made an exception to the thrust of paragraph (1) so as to make it clear that the provisions of paragraph (1) would not preclude the President from taking such action as may be necessary, in the exercise of his constitutional powers and duties as Commander in Chief, to protect the lives of U.S. forces in South Vietnam or to facilitate the withdrawal of U.S. forces from South Vietnam.

As I stated during the floor debate on the Byrd amendment, No. 667, the Cooper-Church language could not, in reality, add or subtract from the constitutional authority of the President as Commander in Chief.

I stated at that time that no language which we might write into the bill before us could in any any way add to or subtract from the consitutional authority of the President of the United States acting as Commander in Chief, but, as I also indicated at that time, I felt that the Congress, through a cutoff of funds, as indicated in paragraph (1) of the Cooper-Church language, could effectively restrict and abridge, not the constitutional authority of the President, but could effectively restrict and narrow, in my opinion, the effective exercise of his constitutional authority by the Commander in Chief. So the purpose of the Byrd amendment at that time was to make clear that the constitutional authority of the President to act for the protection of the lives of American servicemen in South Vietnam would not be restricted by the Cooper-Church language in paragraph (1). My amendment, if it had been adopted, as I repeatedly sought to explain, authorized nothing, added nothing, and could have added nothing to and could have subtracted nothing from, respectively, the constitutional authority of the President as Commander in Chief. The purpose of my amendment was to offset what I deemed to be the adverse effect of the Cooper-Church language in paragraph (1) upon the proper exercise of his constitutional authority by the President in taking action to protect the lives of American servicemen in South Vietnam.

Mr. President, I think it is important to the legislative history in connection with the amendment that is before us that I repeat certain observations which I made during that debate on amendment No. 667.

I said then that my amendment would not give the President any additional authority, period. I said I agreed that the President, if he were going to attempt to enter into any new commitment, ought to come to Congress and get its approval for such a new commitment. I repeat that expression of viewpoint now.

But I also said that if we view what has been said by the President and the experiences that have developed since April 30 in the context of the conditions that caused the President to take the action that he did on April 30, I believed—and I still believe—that we will have to recognize, first, that his action did not constitute a new war, that it was not a new commitment, that the operation was with respect to the same war and the same enemy, and that under the principles of international law, we were not, indeed, invading a neutral territory—we were just moving into another area of the war zone temporarily.

I stated my feeling that if the President acted in good faith—and I believe that he did—and we have got to have some faith in the President, regardless of what his name is or what his political party may be—I had faith—and I still have faith—that before he would attempt anything like a new commitment, he certainly would come before Congress and request consent, approval, and support.

I stated that paragraphs 2, 3, and 4 of the Cooper-Church amendment would go a long way toward expressing the clear sentiment of Congress, if those paragraphs are enacted into law, against any involvement of American manpower in any "new commitment" in any "new war"—in any war "for" Cambodia or "against" Cambodia, or for or against any other country in Southeast Asia—excepting North Vietnam—which country is already our enemy.

In so saying, I stated that those paragraphs go a long way toward achieving what the authors of the Cooper-Church amendment hope to achieve, and what we all want to achieve. But I stated my fear, and I reiterate my fear, that paragraph 1, to the extent that funds would be cut off, would do indirectly that which Congress cannot do directly, and that is to inhibit or infringe upon, or contravene or diminish, the constitutional authority of the President of the United States as Commander in Chief to act to protect the lives of our men in South Vietnam.

That language in amendment No. 667 made no attempt whatsoever to interpret the President's powers. It did not attempt to define them. It could not add to them, nor take away from them. It did not say what those constitutional powers of the President, acting as Commander in Chief, are. It merely sought to preclude the language in paragraph 1, when combined with language in the preamble, from appearing to circumvent—and in saying this, I do not mean for a moment to imply that the authors of the amendment sought to circumvent them—or restrict or diminish the President's constitutional powers, whatever they are.

None of the supporters of the amendment attempted to say what the President's powers are. As I indicated then and indicate now, those constitutional powers and the constitutional authority of the President of the United States are what they are, not by virtue of what we attempted to say in that amendment, not by what is said in the Cooper-Church language, or by what we may attempt to say in the amendment before the Senate now. They are simply what they are by virtue of what the Constitution says they are.

The language merely said, in essence, that whatever those constitutional powers are, whatever the constitutional authority of the President is when he acts as Commander in Chief, they remain just that.

That language in paragraph 1 was the only language which amendment No. 667 attempted to perfect. I expressed my support for paragraphs 2, 3, and 4 of the Cooper-Church language at that time, but I also stated repeatedly my concern anent paragraph 1.

I stated that Congress does have the power over the purse—that it can cut off funds for the military or for anything else that it wishes, in its wisdom, but that if it does that, if it does cut off funds for the protection of American troops, it could be just as effectively diminishing and restricting the constitutional authority of the President—by diminishing the proper exercise of that authority—as if it had amended the Constitution in a way which would subtract from or to negate that authority. And,

of course, it would be impossible, under article V of the Constitution, for the Senate to do that. But the impact upon the proper exercise of the constitutional authority would be just as effectively brought about as if the Constitution itself had been amended.

I said also that I thought it would be unwise—conceding that Congress has the power of the purse—to cut off the money in the midst of a shooting war, when the lives of our soldiers are in danger in South Vietnam, for the President to use in the exercise of what he sees as his proper constitutional authority and duty, namely, the protection of the lives of American forces in South Vietnam.

I stated then and I reiterate today, Mr. President, that I would like to see our men brought home. I would like to see them come home tonight. I wish that they could have been brought home yesterday, or months ago, or could be brought home tomorrow or next week. But they cannot be brought home tonight, or 24 hours from now, or 48 hours or 3 days or 3 weeks from now. And I believe that as long as they are still stationed in South Vietnam, the President has a duty under the Constitution to do whatever he can to protect their lives. But if he does not have the money to perform this duty and execute this authority, and to do what he feels is clearly necessary to protect American lives, then he is prevented from doing so just as effectively as if his authority under the Constitution had been abrogated by constitutional amendment. And what good is authority if it cannot be used when needed?

Mr. President, I have already stated that I believe that the foregoing restatement of excerpts from my June 10 floor statement in support of the Byrd amendment—No. 667—will contribute to a better understanding of the amendment which I have today called up for consideration. Simply stated, my amendment which is now before the Senate, when coupled with the language of the Mansfield amendment—adopted on June 11—accomplishes, in my judgment, everything which was sought to be achieved by the Byrd amendment—No. 667—and, if anything, it might be considered slightly broader, at least with respect to the words "wherever deployed" in the amendment before us, as against the words "in South Vietnam" contained in the Byrd amendment—No. 667. It differs from the modification which I unsuccessfully sought to have the Senate consider on June 11, in that the modification "requested" that the President consult with the congressional leaders prior to using any United States forces in Cambodia if, as Commander in Chief, he determines that the use of such forces is necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam.

In response to the repeated statements of strong concern during the debate on the Byrd-Griffin amendment No. 667 as to what we feared the impact of the language of the Cooper-Church amendment in paragraph 1 might be on the effective exercise of the President's constitutional authority as Commander in Chief, the able and distinguished majority leader (Mr. MANSFIELD) offered his amendment, stating that nothing in the Cooper-Church amendment "shall be deemed to impugn the constitutional power of the President as Commander in Chief."

The word "power" and the word "authority" are sometimes used interchangeably with reference to the President of the United States, acting as Commander in Chief under the Constitution, when the two words, in reality, have separate and distinct meanings. However, the President's authority under the Constitution comprehends the complete universe of Presidential jurisdiction reposed in that office by the Constitution.

The word "power," when used separately, may or may not derive from the Constitution. It is possible that the President may utilize and exercise power which is not legally or constitutionally his to exert. He, nevertheless, may exercise power simply because the resources are at his command and there is no one to challenge him or to stop him from using such power. However, the word "power" as used by the majority leader in his amendment, in my judgment, is all-inclusive of both "authority" and "power" because the word "power" immediately follows the word "constitutional." So, the term "constitutional power," as used in the Mansfield amendment, must be taken to be inclusive of both power and authority, because the word "power" there has its locus in the authority of the Constitution.

The amendment which I have today offered in behalf of myself and Senators GRIFFIN and SPONG takes up the cause which the Byrd amendment, No. 667, sought to achieve. If it did not take up that cause, I would not be taking the time of the Senate at this moment. If it did not take up that cause, I would not have worked many hours with other Senators since the defeat of the earlier amendment. It takes up the cause which that amendment sought to achieve. The amendment now being considered makes it clear beyond reasonable doubt that nothing in the Cooper-Church language shall be deemed to "impugn"—which means to assail or to call in question or to cast doubt upon or to gainsay or deny—the proper exercise of the constitutional power of the President, as Commander in Chief, for the protection of the lives of U.S. Armed Forces wherever those Armed Forces are deployed. This includes South Vietnam.

Mr. President, I want, as zealously as does anyone, to guard the constitutional powers and prerogatives of the legislative branch. I am a member of the legislative branch, and for 24 years I have served as a member of the legislative branch of government—first in the lower house and in the upper house of State government, then later in the House of Representatives, and now in the U.S. Senate. I, therefore, compliment the authors of the Cooper-Church amendment on their efforts to redefine and to delineate those constitutional powers of the legislative branch, because I do not want to see those powers eroded and whittled away. So I stand just as foursquare as does any Senator in this body for the protection and the guarding of the constitutional powers and prerogatives of the legislative branch. But to redefine and delineate these powers is a difficult task, one which calls for the very finest of finite minds. I would say that the two authors of the Cooper-Church amendment meet that qualification, because theirs are among the finest of finite minds.

As I recently stated in Senate debate, the executive branch and the legislative branch are separate but equal under the Constitution. Each is supreme in its own sphere of consttutional authority. Yet, there are areas of responsibility where the two universes seem to merge and blend, or to overlap, with a sharing or dovetailing of powers—areas in which it is extremely difficult to determine the fine, tenuous line where the full swing of one's authority picks up and that of the other leaves off. To attempt to separate the two in this twilight zone is, as the Apostle said, to "see through a glass darkly."

Mr. President, one of such areas is that of the "war powers." Paragraph 11 of section 8, article I, states that the Congress shall have power "to declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;"

Paragraphs 12, 13, 14, 15, 16, and 18 of section 8, article I, recite additional war powers of Congress, among which are:

> The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;
>
> To provide and maintain a navy;
>
> To make rules for the government and regulation of the land and naval forces;
>
> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections and repel invasions; . . .

The above paragraphs, together with paragraph 1 of section II of article II, compromise the "War Power" of the United States, but are not, necessarily, the whole of it.

Paragraph 1, section II, article II, states as follows:

> (1) The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; . . .

Hamilton, in the Federalist No. 69, referred to the commander in chiefship as "the supreme command and direction of the military and naval forces, as first general and admiral of the confederacy."

In 1850, Chief Justice Taney stated:

> His (the President's) duty and his power are purely military. As Commander in Chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy. He may invade the hostile country, and subject it to the sovereignty and authority of the United States. . . .

To Congress is expressly granted, by the Constitution, the power to "declare war." However, war may come into existence as a fact without a formal declaration. In the Prize cases the Supreme

Court has held that this existence of war as a fact may be recognized by the President, in advance of congressional declaration, and that he may thereupon take action, as, for example, the establishment of a blockade, which in time of peace he would not be constitutionally empowered to institute.

As to the war powers of the President, the Constitution makes no specific provision for the exercise by the President of exceptional powers in time of war, but the fact is nonetheless true that, in time of war, he is enabled to exercise his specifically given powers more vigorously than in time of peace, and Congress is, as a matter of expediency, compelled to grant him wide discretionary statutory powers.

Although, as far as Congress is concerned, the war in South Vietnam is an undeclared war, it is, nevertheless, a war, and I believe that the President, acting as Commander in Chief, must possess, in such a situation, if not the special and extraordinary powers which Presidents have exercised in formally declared wars, at the very least the authority and powers to decide questions of tactics and strategy and to act to protect the lives of members of the Armed Forces.

There has been no question as to the constitutional power of the President of the United States, in time of war, to send troops outside of the United States when the military exigencies of the war so require. This he can do as Commander in Chief of the Army and Navy, and his discretion in this respect can probably not be controlled or limited by Congress.

As to his constitutional power to send U.S. forces outside the country in time of peace when this is deemed by him necessary or expedient as a means of preserving or advancing the foreign interests or relations of the United States, there would seem to be equally little doubt in the minds of many authorities, although it has been contended by some that the exercise of this discretion can be limited by congressional statute.

Congress has not seen fit expressly to authorize or to attempt to control the sending by the President of the U.S. forces outside the country, and, in fact, without deeming it necessary to obtain congressional consent, the President has frequently done this.

In 1900, during the Boxer troubles in China, United States troops participated in active and hostile military operations against the Chinese upon a considerable scale, but war between the United States and China was not recognized to exist. So also, war was not recognized to exist when U.S. troops were sent into Mexico by President Wilson.

American troops participated in the allied military operations at and near Archangel against certain bodies of Russian troops. At this time the United States was at war with Germany and Austria but not with Russia. The Archangel undertaking was, however, an integral part of the general military operations carried on by the allied and associated powers. Similar was the character of the military operations in eastern Siberia in which American troops participated. However, these Siberian operations continued for a considerable time after the general armistice of November 11, 1918. In fact, the United States did not withdraw its troops from Siberia until the spring of 1920.

U.S. troops, especially the Marine Corps, have frequently been sent to foreign countries in time of peace and have engaged there in active fighting for the attainment of specific and limited purposes, sometimes in pursuance of existing treaties and sometimes not.

Against this background of constitutional authority and precedent, I believe that the President, in moving ground forces into Cambodia on April 30, acted within his constitutional authority as Commander in Chief. He has a duty to protect the lives of American servicemen, and the President stated that the Cambodian incursion was necessitated by just such a consideration.

I regret that the cirumstances of the situation necessitated his doing this. But nevertheless the circumstances were there and were as he explained them. He had to make a decision. And that being the case, I think the President acted within his authority under the Constitution as Commander in Chief to protect our men in South Vietnam.

I do not agree, as I said before, with those who say that the President usurped the power of Congress to "declare war"; it was not a new war, but the same war which we have been fighting for several years.

It was not an "invasion" of a neutral country; it was but a temporary expansion of the battlefield brought about by the requirements of self-preservation and self-protection. Cambodian territory had become an arsenal for the same enemy which had inflicted casualties upon American forces over a period of years; and that same Cambodian territory, under the fiction of "neutrality," had served the enemy as a privileged sanctuary—immune from retaliatory attack.

As I have stated before, a country which claims neutrality has a duty to prevent a belligerent from moving forces or supplies onto its territory. And if that country which claims neutrality fails to perform that duty and fails to prevent the use of its territory by a belligerent—whether by inability to so prevent or by weakness or otherwise—then a second belligerent has the right under the principles of international law to move into the so-called neutral territory and destroy the enemy. And that was what occurred in the case of the Cambodian incursion announced to the people of the United States and to the world by the President on April 30.

So, I think the President was well within the ambit of his constitutional authority. This is not to say I do not believe that he should have consulted with congressional leaders prior to his action in ordering the movement into Cambodia. I maintain that he ought to have done so. At least the majority and minority leaders in both bodies, the President pro tempore of the Senate and the Speaker of the House of Representatives should have been advised. The President's failure to do this constituted a serious congressional relations mistake, and it subjected him to valid criticism throughout the country. I hope that future such emergencies will not arise, but if they do, I hope the President will spare himself such needless criticism.

But, in any event, he acted within his constitutional authority in ordering the Cambodian operation. And from all indications it has been a tactical military success. It appears that all American forces will be out of Cambodia by the June 30 deadline, as promised by the President, and I believe that the action will result in a saving of American lives in the long run as well as additional time for the South Vietnamese to prepare for a takeover of the combat operations in their own country, thus relieving more Americans of the task.

And, in my judgment, the sooner this can be done, the better it will be. And I would only express the hope that in the light of this military victory, the President can step up his schedule of withdrawal of American troops from South Vietnam.

I think that now is the time to make that decision to step up and to accelerate the withdrawal in the light of this military victory and especially in view of the fact that it could be a short-term military victory. There is no question that the North Vietnamese and the Vietcong can recoup their losses, regroup, and resupply themselves. As we have seen in the past, we have too often underestimated their capacity and ability to do this.

Their communications have been disrupted, their supply lines have been disrupted, their plans have been disrupted, but this will not be for long.

I hope the President will make the decision now and will take advantage of the fruits of this successful military tactical operation and accelerate the schedule of withdrawal and bring our men home. However, while they are there, Mr. President, it is our duty to protect their lives.

There are over 400,000 American servicemen in South Vietnam today. They did not have to go there, as I have said before. The U.S. Government sent them there.

They were sent there under Presidents who held office prior to the incumbent President, Mr. Nixon. This is a war that he inherited. Nevertheless, it is his duty to protect the lives of those servicemen while they are there.

I do not want to see this operation repeated. But who can foresee the future?

For this reason, I have thought it necessary that we attempt to spell out such protection in the Cooper-Church amendment.

This is why I attempted last week, with the help of those who cosponsored the amendment with me, particularly with the help of the able Republican assistant leader—and this is why we again join today—to seek to accomplish what we feel is a necessary objective.

I know, Mr. President, that legislative history can be valuable in the construction of a statute, particularly where the language of the statute is not clear and where it is necessary to go outside the four corners of the statute in order

to properly construe the true intent of the legislature. The fundamental rule of construction of statutes is to give effect to the intention of the legislature as expressed in the statute. Another basic rule of construction is that the words of a statute will be interpreted according to their common and popular acceptation and import unless that interpretation will defeat the manifest intent of the legislature.

I now go to a further logical step in the rules governing construction. Where the language of a statute is unambiguous, it must be held to mean what it plainly expresses, and no room is left for construction.

Viewing these various rules of construction of statutes—and there are other important rules—I feel that the Cooper-Church language in paragraph (1) of the statute—assuming for the moment that the Cooper-Church language should become law, and I personally hope it will if the amendment before the Senate today is agreed to; and parenthetically, I think the chances of enactment may be considerably improved by such adoption—leaves unclear a matter which is of great concern to me and to others in this body, to say nothing of the American people and our servicemen in Vietnam. Just as important, the unclearness of the language in paragraph (1), it seems to me, can result in the wrong message being received by the North Vietnamese and the Vietcong. In other words, I feel that they could very well read this message into paragraph (1) of the Cooper-Church language: "Come on back into the sanctuaries, boys, after July 1 and we will not lay a hand on you."

I know that is not what the authors of the Cooper-Church amendment mean to convey, but I am afraid that might be the message received by the enemy.

To me, it is imperative that the law on its face not be ambiguous as to our intent to defend American servicemen in South Vietnam. The law should state on its face that we are resolved to do whatever is necessary to protect the lives of those men. It is for this reason that Senator GRIFFIN and I and others have again joined in an effort to make indubitably clear the fact that the constitutional authority of the President is still his as it always has been and that it will continue to be his in the future to properly exercise as Commander in Chief. The Mansfield amendment, to an extent, made this clear, but, in my humble opinion, not clear enough. I think it is important that we now take the second step and spell it out in the law. The Mansfield amendment says:

> Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief.

The Byrd-Griffin language adds these words—

> including the exercise of that constitutional power which may be necessary to protect the lives of United States armed forces wherever deployed.

Note that this amendment begins with the word "including." In other words, the Byrd amendment in no way detracts from or diminishes or negatives any of the implications embraced in the Mansfield amendment. The amendment simply specifies that the Mansfield amendment, in referring to the constitutional power of the President as Commander in Chief, embraces whatever the total universe of constitutional power may comprehend, but that whatever that constitutional power is or may be, it does include—as a part of the whole—"the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed."

Now, I think that most of us in this Chamber agree that the President has the duty to protect the lives of American servicemen and that his constitutional authority is wide enough and broad enough to allow him to effectively discharge that duty. But because the specific phraseology of paragraph (1) in the Cooper-Church amendment being what it is, I feel that there may be some question as to how far the President is going to be permitted to go in the exercise of that constitutional authority to protect our men notwithstanding the inclusion in the act of the Mansfield amendment.

Moreover, in light of the defeat of the Byrd amendment last week, I feel that that question has been highlighted and perhaps engraved more deeply in the minds of many people.

The defeat was interpreted as a rebuff of the President, as Commander in Chief—and that, to me, is far more serious than a rebuff to the President acting in his domestic role—a rebuff of the President as Commander in Chief, the "first general and admiral," to use Alexander Hamilton's words.

I think, therefore, there needs to be a reassurance that the Senate's action the other day was not meant to question the President's constitutional authority and power to protect our troops.

The amendment before the Senate today is calculated to remove any doubt that this "power" is included within the Mansfield amendment, and to remove such doubt, the amendment spells it out and lays it on the barrelhead—to wit, "including the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed," and this should not leave the locus of South Vietnam in doubt.

There may be some who would feel that this amendment is unnecessary because the words "constitutional power" in the Mansfield amendment are all inclusive. Of course, "constitutional power" is constitutional power. But none of us can precisely and nicely define the outer parameters of that constitutional power. Definition and interpretations of the term will differ and will vary from Senator to Senator and from President to President, and college professor to college professor. But there is no mistaking what it includes if, in plain English, we insert into the law, words of common understanding stating that it includes "the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed."

Congress is not presumed to do a useless act. Every word in a statute is presumed to have been placed there by Congress for an intended purpose. By adopting this amendment, the intent of Congress, in my judgment, cannot be misunderstood or misconstrued by friend or foe, because that intent will have been expressed in no uncertain terms in the statute itself—namely, that nothing in the Cooper-Church amendment shall be deemed to impugn the constitutional power of the President as Commander in Chief, "including the exercise of that constitutional power which may be necessary to protect the lives of U.S. Armed Forces wherever deployed."

(The following colloquy, which occurred during the delivery of the address of the Senator from West Virginia (Mr. BYRD), is printed at this point in the RECORD by unanimous consent.)

Mr. SPONG. Mr. President, I am pleased to cosponsor this amendment. I would particularly like to thank the Senator from West Virginia for his gracious remarks with respect to me.

During the past few weeks it has been my purpose, and I believe that of a majority of the Senate, to draw up language that would not allow the war in Southeast Asia to be widened without congressional consent but would provide for the protection of U.S. troops who are deployed in Southeast Asia.

We have had a lengthy debate on this matter. On June 5, I inserted into the RECORD some questions concerning the constitutional authority which the President, as commander in chief, already has. I am pleased that Senators CHURCH, COOPER, and BYRD responded so fully to these questions. I believe these responses have provided some excellent, and needed, legislative history.

I, personally, would have preferred, in this particular instance, to spell out in the legislation the specific authorities which the President has under the Constitution. The amendment which I submitted to the Cooper-Church amendment on June 10 was an attempt to accomplish this.

I have, however, reviewed the Senate debate on the original Byrd amendment and on the Mansfield amendment, which I cosponsored. The legislative history, together with the Mansfield amendment and the modification which was offered June 17 by Senator BYRD and which I cosponsor, will, I believe, go far toward accomplishing the two purposes I mentioned: restricting a broadened war in Southeast Asia and protection of U.S. troops.

Mr. President, I commend the Senator from West Virginia for the diligence he has demonstrated in seeking his legislative objectives. It has been a privilege for me to consult with him in the past few days and I commend him for his efforts here today.

Mr. BYRD of West Virginia. I thank the Senator. Again I want to express my appreciation to him for the fine contribution he has made not only during the debate last week on amendment No. 667 but also in hammering out the verbiage which appears in the amendment now being considered.

Mr. SPONG. I thank the Senator.

Mr. COOPER. Mr. President, will the Senator from West Virginia yield on that point?

Mr. BYRD of West Virginia. I yield.

Mr. COOPER. I would like to say that the Senator from Virginia (Mr. SPONG) raised very important questions last week before the vote on the first Byrd amendment, in attempting to spell out the powers of the President to protect U.S. troops. I thought his work was a helpful and important contribution to the debate. It has made all of us look more closely at language. Also, in our colloquies with the Senator, we have agreed upon certain actions which without question the President is entitled to employ as Commander in Chief. Later, this afternoon, I want to comment on the Senator's speech. I want to say now that the Senator from West Virginia, Senator Byrd, began the discussion of the issue of the powers of the President as Commander in Chief. The sponsors of the Cooper-Church amendment thought the amendment proposed last week by the Senator too broad in its scope, and we opposed it very strongly. Later, today, I shall make some comments on the present language of the pending amendment.

Mr. SPONG. Mr. President, I would like to thank the distinguished Senator from Kentucky for his gracious remarks.

Mr. BYRD of West Virginia. May I say that the Senator from Kentucky is so gracious, as is the able senior Senator from Idaho (Mr. CHURCH), that while no one can say he cherishes defeat, I would have to say that one could lose to these two Senators and feel good in losing. This pretty aptly describes my feelings following the 52-to-47 vote last week.

I shall certainly welcome the comments of the able senior Senator from Kentucky on the language of the amendment now before the Senate.

(This marks the end of the colloquy which occurred during the address of the Senator from West Virginia (Mr. BYRD) and which, by unanimous consent, was ordered to be printed in the RECORD at this point.)

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House insisted upon its amendment to the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes, disagreed to by the Senate; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. PERKINS, Mr. BRADEMAS, Mrs. MINK, Mr. REID of New York, and Mr. STEIGER of Wisconsin were appointed managers on the part of the House at the conference.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

Mr. COOPER. Mr. President, I do not have a prepared speech. I have listened with a great deal of interest to the speech of the able Senator from West Virginia (Mr. BYRD). I want to comment on the explanatory statement he has made.

The Senate will recall that on last Thursday the Senate voted upon the original Byrd-Griffin amendment, amendment No. 667, star print. That amendment addressed itself to the language of the Church-Cooper amendment prohibiting funds for retention of U.S. forces in Cambodia after July 1. It would have been inserted after line 7. Line 7 reads as follows:

(1) retaining United States forces in Cambodia—

I will quote the original Byrd amendment—

except that the foregoing provision of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam or to facilitate the withdrawal of United States forces from South Vietnam.

It provided an exception—an escape clause, which could make the subsection (1) useless.

The sponsors of the Cooper-Church amendment opposed this original amendment of the Senator from West Virginia, No. 667, for two reasons.

First, we thought it unnecessary. It is agreed by all that the President has the power to protect the forces of the United States wherever they are, whether it is called "power" or whether it is called "authority." The writers usually refer to it as "power."

Second—and I want to make this very clear—because of the unfortunate experience of the Congress after the Tonkin Gulf resolution, we did not want to accept language which could be construed as providing to the President advance approval of any action he might take.

The sponsors of Church-Cooper do not assume the President will take action that is not clearly covered by his constitutional powers, but we have to envision any action that might be taken. Accepting the President's statements that the troops will be removed by June 30 the sponsors of the amendment were concerned that our force might be returned to Cambodia in the future and become a part of a larger war in Cambodia, in a new theater, or become the agents of the United States to support Cambodia, its government or its forces. We wrote the amendment specifically, knowing exactly what we were trying to do—that we were trying to protect our country from becoming involved in another war in Cambodia, or an extension of the Vietnam war after the sad experience of the war in South Vietnam.

Since that time, the Senator from West Virginia has worked upon various amendments, and he has described very clearly the amendment he introduced yesterday.

I will make a distinction between the pending amendment, and the first Byrd amendment which was not approved.

After the first Byrd amendment was voted upon, the Senator from Montana (Mr. MANSFIELD) offered an amendment which followed the body of our amendment. It provided that on page 5, between lines 18 and 19, the following language be added:

Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief.

It states a fact, and I do not know that it was necessary, but in order to say clearly what we had been saying in our speeches, we agreed that that should be offered.

The Senator from West Virginia would add the language of his pending amendment to the language of the Mansfield amendment so that the Mansfield amendment would read as follows:

Nothing contained in this section shall be deemed to impugn the constitutional power of the President as Commander in Chief—

Then follows the present Byrd amendment:

including the exercise of that constitutional power which may be necessary to protect the lives of United States forces wherever deployed.

Again, the sponsor of Cooper-Church have stated throughout the debate that the President of the United States has such power. While I do not think it is necessary to add the language to an amendment, I maintain that it does no more than state a constitutional power of the President in the general language as the amendment offered by the Senator from Montana (Mr. MANSFIELD) recognized the constitutional power of the President as Commander in Chief.

The language of the amendment if approved by the Senate and by the Congress could be interpreted in the way that the Senator has explained if all factors were included. He has given a very good explanation of the rules of construction—except there a factor of construction is lacking which the Senator did not mention. The missing factor is that language of his amendment must be construed in connection with other language. The language, if it becomes part of the amendment, has to be construed in connection with the rest of the language in the Cooper-Church amendment.

So I must say to the Senator—and the Senate because I want to be as clearly understood as I can—and I have listened with great interest to his statement—that I must state differently my understanding of the effect of his language on the Cooper-Church amendment. It would have to be construed in connection with all the language in the Cooper-Church amendment. My construction is that it expresses generally a power of the President to protect the forces wherever they are deployed. But as a part of the Cooper-Church amendment, the language of subsections (1), (2), (3), and (4) would still prevail and the President could not use his constitutional power in the absence of emergency, to protect the troops, to invade and nullify the purposes of subsections (1), (2), (3), and (4), without coming to the Congress for approval.

For example, let us consider subsection (1). As long as our forces are in Cambodia, 2 months from now, or 3 months, the President has the authority to protect them, without question. But

if they are withdrawn before July 1, as I assume they will be, and the question should arise after that date. "Shall our forces be sent back into Cambodia," I would say, with a modification which I shall explain in a moment, that under our amendment, the President could not do so without coming to Congress for its consent.

There are clear powers of the President, which have been approved by action, by authorities and by Congress, from time to time in the years of our national existence. These powers rest upon the defense of troops. For example, if our forces in South Vietnam were attacked by troops coming across the border, of course the President could repel the attack. If forces entering from Cambodia, emanating from North Vietnam, or the Vietcong, came from Cambodia into South Vietnam, and were driven out by U.S. forces, and the use of the so-called hot pursuit were necessary, our force could follow the enemy forces across the line for a short distance. And there might be situations where the danger of an attack was imminent, and if it became necessary for the President, through his commanders, to take some offensive action to forestall that attack, I do not think any question would be raised.

But except for emergencies, which are immediate or impending, I want to make it clear that the President would have time to come to Congress. If the situation is so dangerous as to place our troops in immediate peril, the President must act; but except in such emergency cases as those which I have mentioned, there is time to come to Congress.

That is the thrust of our amendments. The Senator has spoken of the practice of Presidents in the past. He has mentioned many historic instances of the use of presidential power. I will not go through the cases again. The issue of the war-making powers of the President and the Congress has been argued throughout the history of our country. Congress was given not only the power to declare war, but to raise and support armies and navies. It has the power of appropriation, the power to provide or deny funds.

Throughout our early history, the distinction between the power of the executive as Commander in Chief and the authority of Congress was well recognized. But President Polk sent our forces into Mexico without the approval by Congress. Congress added to its resolution of approval a condemnation of President Polk for sending our forces into Mexico without the consent of Congress.

The Office of the President has expanded its use of power greatly in this century and it may be further expanded. The United States is a party to many treaties around the world, promising under certain circumstances to provide wartime assistance to 42 countries. These treaties to which the United States is a party, contain broad general language to the effect that if there is an attack upon these countries, or any of them, it will be considered a threat to the security of the signatories, and the parties including the United States promise to support the country attacked "according to its constitutional processes."

But that term is not defined. We are trying to affirm today that the "constitutional process" in those cases, except in the case of sudden attack, or except, of course, in the case of nuclear attack, attack upon the soil of this country or its forces wherever they are, that there is time to come to Congress before our Nation is thrown into wars all over this world.

I read this morning an article entitled "Congress, the President, and the Power To Commit Forces to Combat," again appearing in the 1968 Harvard Law Review, which contains this statement and which interests me very much:

> There are two possible reasons for requiring such a safeguard from the body most directly representative of popular sentiment. The first is that such a decision involves a risk of great economic and physical sacrifice not to be incurred without such approval. The second is that even in cases where no significant physical effort is likely to be required—as, for example, in a conflict with a weak nation unsupported by allies—the very act of using force against a foreign sovereign entails moral and legal consequences sufficiently significant to require an expression of popular approval.

So, Mr. President, I would like to say I concur completely with the statement of the Senator from West Virginia that his amendment spells out clearly that the President has the authority to protect the Armed Forces of the United States wherever they are deployed. It means Cambodia today. It means South Vietnam. It means Korea; it means many places in the world—every place American troops are deployed.

But I do not agree, and I will not agree, that by placing this statement of recognition of general power in the Cooper-Church amendment, it will invalidate sections (1), (2), and (3), and provide for the President with approval to ignore those sections and section (4), if he desires to do so. Our amendment denies no option to the President, but says nothing about the emergency power to protect our forces against sudden attack, to repel an attack, to take action against an imminent impending threat. In all other cases, he shall ask for joint action the consent of Congress.

I hold, unless there is an emergency which endangers our troops as to require him, for a time, to take immediate action to protect them—which power, of course, he has—that in all other cases he must come to Congress and ask for its approval before engaging in an operation which could lead this Nation, step by step, into support of Cambodia, or into an extension of the war in the larger theater in Cambodia—the process by which we became engaged in Vietnam.

I again express my admiration to the Senator from West Virginia for his persistence in believing and urging that we should have language in the bill which says clearly that our purpose is to insure that our troops are protected. I agree with him. I have said so since this debate began.

But the point of the Church-Cooper amendment and the point of the debate is that Congress—particularly the Senate today, as this measure is before us—will not agree in advance to the extension of a constitutional power beyond that which we believe was intended for the immediate protection of our troops.

We will not extend it in advance and approve a use which, though not intended, might take this country into a new theater of war, or into war in behalf of another country.

Mr. President, I say this with great respect. I know the purposes of the sponsors. All of us want to assure the safety of our troops. But it may be that some Senators are still not clear as to the intention of the sponsors of Church-Cooper as far as subsections (1), (2), (3), and (4) are concerned.

Mr. CHURCH. Mr. President——

Mr. COOPER. Let me say one more thing. Congress has limited in the past, and even in wartime, the authority of the President.

The present Selective Service Act, for example, in section 454 of title 50, provides that draftees cannot be sent outside the United States into war without at least 4 months' training and the act further provides "that no funds appropriated by the Congress shall be used for the purpose of transporting or maintaining in violation of the provisions of this paragraph any person inducted into, or enlisted, appointed or ordered to active duty in, the Armed Forces under the provisions of this title." Other precedents that we initiated last year in this body concerned the amendments relating to Laos and Thailand.

Mr. CHURCH. Mr. President, I wonder if it might be possible to reach agreement——

The PRESIDING OFFICER. Has the Senator from West Virginia yielded the floor?

Mr. BYRD of West Virginia. Yes, I yield the floor, Mr. President.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Arizona is to be recognized.

Mr. GOLDWATER. I am glad to yield to the Senator from Idaho.

Mr. CHURCH. I thank the Senator. I was simply going to suggest that, inasmuch as we have had the benefit of an extensive debate upon the issues raised in the Byrd amendment last week and we are now reaching the end of the fifth week of debate on the Cooper-Church amendment, it might be possible to secure unanimous consent for a vote upon this new version of the Byrd amendment tomorrow. We will convene at 10 a.m. We would have ample time, I should think, to discuss the matter and to come to a vote, say, at 1 o'clock tomorrow afternoon.

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

Mr. GOLDWATER. Reserving the right to object—and I do not intend to object—that hour would put a burden on some of us, not many of us. If it could be, say, 2 o'clock, I am sure many more Senators would be present.

Mr. CHURCH. I would be happy to oblige, if we could get it relatively early in the afternoon. I would not insist upon 1 o'clock, if we can agree to have a vote at 2 o'clock.

Mr. GRIFFIN. I must say to the Senator from Idaho that I wish it were possible to agree to a vote tomorrow. I am checking with some of the Members on this side of the aisle, who have left town and who have indicated that they hoped there would be no vote tomorrow, to see whether or not I can get agreement. As the Senator knows, it requires unanimous consent, and that means that everyone has to agree, and sometimes it is difficult to obtain unanimous consent. At this point, I am not in a position to give that unanimous consent and to protect some of the Senators who have given me instructions. But I will continue to work on it, to see whether there is some possibility that we might be able to reach agreement.

Mr. CHURCH. I thank the Senator.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Arizona yield briefly, so that I may respond to the comments by the Senator from Kentucky (Mr. COOPER)?

Mr. GOLDWATER. I yield.

Mr. BYRD of West Virginia. Mr. President, I share, with the able Senator from Kentucky, the belief that the President should not be given advance approval to enter into any new commitment or to enter into any new war. I would not want any statement I made to be interpreted to mean that the verbiage of the amendment before the Senate would extend such advance approval with respect to a new commitment or a new war.

I have tried to make clear my position to the effect that the President certainly should come to Congress and consult with Congress and get the consent of Congress before entering into any new war, any new commitment, or any involvement in support of or against the Government of Cambodia or the Government of Laos, et cetera.

I want the record to show that I also believe, as does the Senator from Kentucky, that except for those emergency situations which can arise and do arise in time of war—both de jure and de facto wars, if we want to use those terms—the President normally would have time to consult with Congress. I think he should do so. I think we agree that there can be, however, emergency situations wherein the President might have to take action very, very quickly, wherein there might be the element of time and/or the element of surprise, which might have a bearing upon the success of whatever tactical operation might be involved, and when the President might not be able to immediately consult with congressional leaders.

Parenthetically, I do not think that was the case in the instance of April 30. I think that some congressional leaders at least could have been consulted. But that is behind us now.

I do have a feeling that this debate is going to imprint this point so indelibly upon the minds of this President and future Presidents, as they will read the history of it, that every effort will be timely made to properly consult with the leaders of Congress before any action is taken, except in the most dire and impending urgency.

With respect to the language of this amendment, as against the language of the Byrd amendment No. 667: The appropriation of moneys is a positive act in either case. It cannot just flow automatically and without some positive act having been taken by the legislative branch. In the case of amendment No. 667, although it said something to the effect that the "foregoing provisions of this clause" shall not preclude the President from taking whatever action as may be necessary to protect the lives of American servicemen in South Vietnam, that language in and of itself did not tie and could not have tied the hands of Congress with respect to the appropriation of money. That requires a positive act. Regardless of the language of amendment 667, had it been incorporated and adopted and become law, Congress still would have had power over the purse strings; because, under the Constitution, Congress—and only Congress—shall have the power to raise money, to pay the debts, to raise and support armies, and so forth.

So nothing could have been said in the verbiage of that amendment—and there is nothing in the amendment now before the Senate—that could subtract one iota from the power of Congress over the purse.

Mr. GRIFFIN. Mr. President, will the Senator yield to me at that point?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I commend the Senator from West Virginia for his statement, and I wish to associate myself with it. By persevering and working very diligently, as I know he has, if he has struck on new verbiage which attracts more support, I applaud him very much; and I am very glad that the Senator from Kentucky finds it possible to support the new language.

I support it, very frankly, because I see no essential difference in terms of the substance as between the two. It may be that the Senator from Kentucky and others were somewhat concerned about the previous language. Perhaps they had questions about it. As I interpret it, the substance would have been essentially the same as the substance of the pending amendment; but, I am very glad that maybe the doubts have been erased.

Looking back on amendment No. 667, the star print, it would have added to subsection 1 the words "except that the foregoing provisions of this clause shall not preclude the President from taking such action as may be necessary to protect the lives of United States forces in South Vietnam."

As I understood that, the Senator from West Virginia was not seeking to create or generate any new power that the President did not have, but was just making it clear by that language that action which did not preclude the President from exercising such power as he otherwise had, and whatever power the President otherwise had was his constitutional power.

Now, then, in the new language——

Mr. BYRD of West Virginia. At the same time, it was not challenging the authority of Congress——

Mr. GRIFFIN. That is right.

Mr. BYRD of West Virginia. To exercise its power over the purse.

Mr. GRIFFIN. Which was something aside from that.

Mr. BYRD of West Virginia. Exactly.

Mr. GRIFFIN. Right.

Now, then, in the new language, the Senator from West Virginia speaks in terms of including the exercise of that constitutional power which may be necessary to protect the lives of United States Armed Forces wherever deployed.

As I would read the language of the new amendment, it not only goes as far in terms of substances as the previous amendment, but, if anything, it may go a little further. But, by no means is it any more objectionable or to be questioned.

Certainly the troops we have outside South Vietnam are entitled to the constitutional protection which the Commander in Chief posseses as well as our troops who are in South Vietnam.

The new amendment makes that clear, that we are not talking only about troops in South Vietnam.

I like the new amendment better because it does not apply only—or does not make reference only—to subsection 1 of the Church-Cooper amendment. It applies to the whole of the Church-Cooper amendment and makes it clear that nothing in the Church-Cooper amendment in any way limits or detracts. It could not. We could not take away or detract from the President's powers, and we recognize that.

By my cosponsoring the previous amendment of the Senator from West Virginia, that was all I was trying to do. Perhaps others felt there was something else involved. I guess they did.

I think that the Senator from West Virginia tried to make it clear that that was the intent, as it was of the Senator from Michigan. But, if this is more acceptable in that regard, I am very, very glad for it, and I commend the distinguished Senator from West Virginia for coming up with the language.

Mr. BYRD of West Virginia. Will the distinguished Senator from Arizona further yield to me?

Mr. GOLDWATER. I yield.

Mr. BYRD of West Virginia. I think that the Senator has put his finger right on the gravamen of the problem which confronted the Senate at the time it voted on the original amendment. I think there was a misunderstanding, a misconception, as to just what that amendment sought to do.

There were Senators who thought it nullified the Cooper-Church amendment and created a new Gulf of Tonkin. I think they believed that, had that amendment been adopted, it would have impliedly had some negative impact upon the power of the Congress to appropriate money.

It could not possibly have had.

Although it said it would not preclude the President from properly exercising his constitutional authority to protect

the lives of American troops, nothing in the amendment could possibly have eroded or taken away from Congress its authority to appropriate money or its power over the purse. I think that is where the problem was. There was a misunderstanding there.

But, having said that, now I say, with respect to this amendment, that here again the amendment does not and could not affect the constitutional authority and power of Congress to appropriate money for whatever purpose.

Thus, I think that here, as in the original amendment, we recognize the absolute power of the purse by Congress, while we, at the same time, recognize the fact that nothing we may do here can diminish or abridge the constitutional authority of the President as Commander in Chief. We are also saying that we do not question that the President as Commander in Chief has the constitutional power to protect the lives of the U.S. Armed Forces wherever deployed. We are saying this in such a way that the enemy will not get the wrong message.

The right message is that the President has that constitutional authority and duty. We recognize it. Congress has the power over the purse. Congress has that authority, but if the President is to perform his duties as expected, he must take whatever action is necessary to protect the lives of our servicemen in South Vietnam or wherever they are deployed.

It is imperative that we make this clear on the face of the law that, whatever we are doing here, we are not cutting down on or whittling away at the President's constitutional authority, power, and duty to protect the lives of our servicemen.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CHURCH). In accordance with the previous order, the distinguished Senator from Arizona (Mr. GOLDWATER) is now recognized for 20 minutes.

Mr. GOLDWATER. Mr. President, perhaps I should ask unanimous consent that I may now proceed for 20 minutes because I think my 20 minutes have been used up.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time of the Senator from Arizona begin running now, and I want to express my appreciation to him for allowing us to impose upon his time and his good nature to hold this colloquy.

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

THE SST

Mr. GOLDWATER. Mr. President, for many years now we have in this body listened to liberal spokesmen advising us that we live in a changing world and that this Nation must spend the energy and money necessary to keep abreast.

Of course, nobody for 1 minute doubted the premise that we live in a changing world—no human being has ever lived in any other kind of a world. However, it must be conceded that alterations in technology, living standards, transportation and in all the material implements which mankind uses have gone on at an eccelerated pace in our lifetime. Most of the Members, I am sure, are acquainted with my sincere belief that the liberal community in this country once sanctified the idea of change to the point where any and all types of change were equated with good. I do not happen to agree that change for the sake of change always spells progress for mankind. As a conservative, I am convinced by the lessons of history that many proven values of the past absolutely must be maintained and continued. These fundamental values have just as much application to the problems of today and the challenges of tomorrow as they had in the annals of history.

Now I am sure that we all recall the great hue and cry that went up when this Nation was sitting smugly isolated and the demands of a shrinking world and the rise of totalitarianism dragged us kicking and screaming into an era of internationalism. We all know that the liberal community led the cry for worldwide involvement. We all recall that liberals led the way in pointing out that being protected by vast oceans off both our coasts was no longer sufficient to insulate the United States from either the problems or the wars of freedom-loving people in other areas. The liberals pointed to the airplane and told us, quite correctly, that the world was shrinking—that the continent of Europe was no longer 5 days by fast boat from our Eastern shore. And the arguments that were used to drown out the voices of isolationism prior to and immediately after our entry into World War II were the same arguments used in launching this Nation on a protracted $200 billion program of economic, technical and military assistance to other nations. We progressed from war-time lend-lease programs to post-war UNRRA, the Marshall plan, the Truman doctrine, economic foreign aid and the present-day AID.

Every attempt by the Congress to modify or improve or correct this vast internationalist program always met with strong opposition from our political liberals. We were reminded again and again and again that the world was changing—that there was in progress in the underdeveloped nations a process called "the revolution of rising expectations." We were reminded constantly, through every means of communications available to the liberals, that, as a leader of the world, this Nation had to take the responsibility, not only for keeping up with world progress, but actually for taking the lead in its development.

Mr. President, it is against this background of historical fact that I come today to my main topic of discussion. I purposely thought back and reviewed my own memory of this great thrust in the name of chance and progress because I am convinced for some reason it is coming to a deliberately designed end.

I have made many comments on the Senate floor about the tendency of this body to adopt a brand of foreign policy which can only be described as isolationism. Some people call it the "new isolationism." Others call it "neo-isolationism." For the life of me, after listening to the debate in this body on Vietnam, on our responsibilities to other members of the free world, on the subject of reneging on our treaty commitments, I see absolutely no reason to hyphenate the word "isolationism." When we find some members of this body attempting through every possible means to rationalize defaulting on our obligations in Asia and ending our involvement in the most heavily populated area of the world, there is only one name for it—it is isolationism. We are seeing here an attempt to turn back the clock to recapture a comfortable isolated posture of bygone years. We are seeing a deliberate attempt to force American disengagement from the affairs and concern of a vast portion of the world. And we are seeing a denial of the thesis that the United States has a responsibility to play in a world of change and a world of progress.

The word "progress" especially intrigues me at this particular time, because we are witnessing a growing number of liberals in the strange process of turning their backs on a major feature of progress in today's world of transportation.

My reference, Mr. President, is obviously to the supersonic transport plane. This is, without question, the latest development in the shrinking world process the liberals reminded us of so often after World War II.

There is no way to justify the opposition to development of an American SST program other than to describe it as a deliberate effort to hold back the wheels of progress which are already spinning rapidly in Russia, France, and Great Britain.

Cutting through all the arguments, ranging from noise pollution to cost, the fact remains that the world is going to have an SST. As a matter of fact, it already has two which are flying in Europe and which are successful enough to be predictably operational within the foreseeable future. But we are hearing arguments in this chamber these days which are part and parcel of a plea to abdicate our position as world leaders. Adding opposition to such a sure-fire transportation development as the SST to the arguments for our withdrawal from Asia and for our unilateral disarmament, it is plain to see that some Members apparently welcome the thought of the United States becoming a second rate or a third rate power in a far from peaceful world. The Russians already have surpassed us in the production of ICBM's; they outnumber our naval forces and are reaching for supremacy in almost every other area of military development and nuclear armaments. They are at least 5 years ahead of us in the development of a missile defense system which will prove to be a vital factor in any future balance of military power in the world. They also have a counterpart to our SST already flying which puts them one up on us in the area of domestic transportation.

Now, Mr. President, I plan to go into a rather detailed discussion of the merits of the proposal for spending $290 million at this time for the development of the SST. I further plan to answer some of the specific arguments raised by its

opponents in the present Congress. But I do not want to move on to these specifics without emphasizing as strongly as I possibly can my belief that objections to the SST are part and parcel of a new attitude which spells a denial of progress and a rejection of needed change by some segments of the liberal community. Mr. President, this is "laissez-faire" with a vengence. This is not only "standpatism" but it is "head-in-the-sandism."

We hear an argument which says: OK, so that SST's are inevitable. What's the rush? Why can't we wait a few years until our economy is better able to withstand the expense?" The answer is simple enough. The rest of the world is not inclined to wait. The French and British and Russians are not about to call a halt to the development of their SST's to convenience a waiting policy by the United States. It would be like the Ford Motor Co. announcing that it had run into financial problems and was going to delay its 1971 model cars until things got straightened out. Far from following suit in such a situation, General Motors would move hard and fast to take advantage of it. The same thing applies to our development of an SST vis-a-vis efforts by European countries.

In this connection, Mr. President, the opponents of the SST are using the same type of arguments that were used in an effort to defeat the Safeguard ABM system last year. We are told, for example, that the French-British Concorde and the Russian TU–144—both SST prototypes—are not successful attempts in this area. We are told the same thing about the Russian ABM system called Galosh. Mr. President, I want to make it plain that I am not about to accept, without definite proof, the contentions that the technology of the French, British, and Russians is so deficient. But for the sake of argument, let us assume that the Concorde, the TU–144, and the Russian Galosh are entirely unworkable. This in itself would put them well ahead of the United States in strictly technological terms. At least they would have a good idea of what would not work and consequently have the data necessary for developing something that would.

They are our competitors and they are determined to reap the benefits from this tremendous new development in transportation as quickly as possible. They already have the jump on the United States and they undoubtedly will welcome any further delay on our part occasioned by a mistaken idea of national priorities.

I say a mistaken idea because development of the SST, to my way of thinking, provides one of the best answers to the major arguments that are being raised against it. Opponents claim that pressing domestic needs such as urban renewal and similar projects make the development of an SST a low-priority item, that the money for it should be rechanneled into attempts to solve some of our social requirements.

This is typical oversimplification. It lacks the correct conclusions which can be reached only through careful study and investigation of all the factors involved in the development of the SST. For example, industry estimates claim that the development of just a prototype program—the kind we are now being asked to approve—will provide direct employment for more than 20,000 persons in early 1971. What is more, the employment will not be entirely concentrated in any one section of the country. About half of the new jobs will be filled by persons working for subcontractors and material suppliers in many sections of the country. And this is only an initial employment figure. When the SST goes into commercial production, the program should employ in the neighborhood of 50,000 persons—half of which will again be employees of subcontractors and suppliers. Now, if the secondary—or what Government and industry officials refer to as the "multiplier"—effects are considered, the SST program should provide jobs for approximately 150,000 persons at its peak activity.

This number of jobs would have an enormous effect, and a beneficial effect on the kind of lagging economy which we are experiencing today.

And an important fact to bear in mind is that this money—for the prototype production, that is—is not a subsidy to private industry. It is an investment; an investment in the future; an investment in the beneficial dynamics of progress and change. Because the Government's share of the development costs will be repaid in full by the time 300 of the new planes have been sold. Not only that, but the Government investment will yield an additional $1 billion profit if sales should reach 500 planes.

Admittedly, there is a possibility that we will not produce the best supersonic transport to fill what is bound to be a tremendous worldwide demand. But on the basis of our record we stand the best chance. Again that old argument which starts out "any nation that can put a man on the moon and bring him back" certainly applies in this area of related technology. Arguments which say the SST should not be built because it probably would not work are self-defeating and stupid. By the same token, arguments to the effect that no such plane could ever be developed that would overcome the problem of airport noise, sonic booms and possible interference with atmospheric conditions must be made in the face of the kind of technology which perfected the Apollos 11 and 12. To a nation mindful of our accomplishments in the fields of nuclear fission, and space travel, the whole idea that American technology will be defeated by problems inherent in early considerations of supersonic travel has to appear ridiculous.

Mr. President, I think the opponents of the SST have been something less than honest with the American people when they contend that its development would produce sonic booms that would jolt entire communities and topple some flimsily built structures. The plain fact is that no one in the United States or any other populated area any place in the world will ever hear a sonic boom produced by an SST. The U.S. Department of Transportation has made that completely clear by assuring all critics that the SST will never be flown at supersonic speeds over populated areas. The entire SST program is based on the premise that the plane will only be accelerated through the sound barrier when it is over the ocean or over such unpopulated regions as the North Pole.

It may seem strange to people not acquainted with aviation that an aircraft designed to fly at over twice the speed of sound will actually fly at speeds much lower than the speed of sound. It has been my privilege to fly the SR–72 at mach 3.1, or faster than a rifle bullet, and in the final approach pattern the speed was lower than is used by any of our modern jets.

Seldom mentioned in speeches by the program's opponents is the fact that the SST's design is such that it can fly efficiently for hundreds of miles without ever exceeding the speed of sound. The plan is to prohibit an SST from exceeding supersonic speeds before it is 100 miles from the coast of any country from which it takes off. Actually, engineers estimate that at the cruise altitude of supersonic flight—60,000 to 70,000 feet—the boom created over the ocean would only be one twenty-fifth of the pressure required to break windows. So much for the arguments about sonic booms. Since no one in any American community will ever hear a sonic boom from an SST, the whole discussion is academic.

The problem of engine noise at the airport is another matter, however. The General Electric engines designed for the SST prototype will be the most powerful ever built. There will be 65,000 pounds of thrust in each engine. This is more horsepower than a full squadron of B–17's developed in World War II.

There can be no denial of the fact that at the present time they will create more noise than present engines. However, their enormous power will allow them to rise quickly on takeoff and the resultant engine sound will be less than today's jets at the same distance from the end of the airport. Engineers for the contracting company claim that using today's yardstick for the measurement of sound, the SST being designed for the United States would be significantly quieter than today's jets on both the climb-out and the approach path. They admit that the so-called sideline noise on the airport is still a problem. This is acknowledged by the Government, the Boeing Co., and General Electric, and all are concentrating intensive efforts on the development of new sound suppression devices. There is not a shred of doubt in my mind that American technical know-how will be equal to the task of overcoming this problem.

One of the arguments heard most frequently from the opponents of the SST poses the question of why private industry does not finance the investment entirely on its own and without help from the Government. The answer is that no private company has the kind of financial reserves that such a commitment would require. Development of two SST prototype planes will run about $1.5 billion. This is an amount equal to twice the net worth of the contracting company. The SST necessarily must be a joint venture with the Government, the

manufacturer, and the airlines sharing both the risk and the reward. Present plans call for Government financing of about $1.2 billion. Boeing will commit $211 million for the prototype program, General Electric will put up $91 million and the airlines have invested $60 million. To provide a comparison, let me point out that Boeing's investment in the 707 prototype was only $16 million, but this was regarded as a tremendous risk to a private company years ago.

Mr. President, it might sound strange for a conservative to be arguing for Government assistance. But I remember reading that when the railroads were pushing west they did not have sufficient money and to entice them they were given every other section of land along the way, which remained in their possession and which constituted the greatest worth of the railroads in years. The Federal Government long has been a partner in the shipping industry and in other industries where it was impossible for companies to provide the initial financing.

But as I said earlier, we do live in a changing world. Progress and the implements of progress, like everything else, are selling on today's market at inflated prices. I might say we have our liberal friends to thank for this inflation because it resulted from the extravagance and inefficiency with which they operated the Federal Government for about three and a half decades.

Be that as it may, developments in transportation modes around the world are moving ahead at a pace which we cannot afford not to equal. It is sometimes argued that America does not need an SST; that subsonic jets are fast enough. The people using this are similar to those cynical Americans who in the early days of this century used to shout "get a horse" at every motorist they encountered. History shows that the traveling public has welcomed every new level of speed and comfort—from the fast, light "surrey with the fringe on top" to the 747 jet transport which is beginning to fly the "wide blue yonder" over America today. Flight times on long range over water routes will be cut by more than 50 percent when the SST becomes operational.

Our time-conscious travelers will welcome the increased speeds. They can be expected to demand it of airlines once supersonic travel becomes feasible anywhere in the world. So we can expect the principal world airlines, including those in the United States, to buy SSTs wherever they can get them in the near future. If only the British-French Concorde and the Russian TU–144 are available, then the biggest business ever placed by any transportation industry will go to foreign countries and not the United States. When you think of the amounts involved, this consideration becomes a factor in America's ailing balance-of-payments situation, in its employment picture, in its image as a world leader, as well as in its transportation capability.

Mr. PROXMIRE. Mr. President, I am delighted that I had a chance to be on the floor to hear the distinguished Senator from Arizona. He is a very fine person, he is always fair and thoughtful and considerate, and I think he makes an eloquent speech in support of the supersonic transport, which I, of course, strongly oppose.

I might say that, with all the eloquence of the Senator from Arizona—I think the real argument for the supersonic transport was made, in almost seconds, I would say, by the distinguished senior Senator from Washington a little earlier to day when I asked unanimous consent to take the floor for a few minutes after the Senator from Arizona yielded the floor. As I recall, the Senator from Washington said—and it was transparent what he was getting at—he could not be here, unfortunately. He could not stay to hear the speech on the supersonic transport because he had to be working on the HEW bill, and he said, "There is a lot of money in it for Wisconsin." The senior Senator from Washington and the junior Senator from Washington are the two best reasons for voting for the supersonic transport, and every Senator knows it. They are men of complete integrity. They are also men of great power and great authority. I think we all realize that they want the supersonic transport, and want it very badly. But I think we should be aware of the realities in this matter when we discuss the issue.

The second point I want to make, before I rebut some of the specific points made by the Senator from Arizona, is that it is interesting to hear the Senator from Arizona, who is the voice of conservatism in this body, and also in the country, and a very responsible and able voice, when he says the liberals are the ones who have their heads in the sand and are stand-patters and are opposing progress.

I might say that we have an ironic situation now which very few people in the press have discussed, and that is that the liberals are the ones who want to economize, who want to cut down spending in the areas where spending can be cut. The big expenditures for the past few years, and in fact, for some time, have been in the military area. The liberal Members of the Senate, by and large, are those who are opposed to wasteful and excessive military spending, who have introduced amendments, who have fought for cuts, who have voted to reduce spending proposals by the President, not only in the military area, not only in the SST area, but also in the space program and in many others.

On pages 4 and 5 of the speech which the Senator from Arizona has just delivered, he claims we should proceed with the SST because of its employment impact. He cites industry estimates that the SST will provide direct employment for more than 20,000 persons in 1971 and that ultimately, via the "multiplier effect," the number of jobs affected will exceed 150,000 at the peak—50,000 direct jobs, and 150,000 altogether.

The first answer to that is that if we are looking for a WPA job to put people to work, I would think that this would be a very expensive, inefficient way to do it. I think, with all due respect to the Senator from Arizona, the expert in this field is the Department of Labor. I wrote a letter to the Labor Department asking about the employment impact of the SST. I am going to ask permission to put that letter in the RECORD, but first let me quote briefly from it.

I asked the Department to give me an up-to-date estimate of the impact of proceeding with the SST on employment, in view of the changed employment situation, because when the Department of Labor gave the ad hoc committee an estimate in 1969, we had a different employment situation. At that time the Department said it was opposed to the SST, that the labor benefits would be insignificant; but I wanted the Department to bring that judgment up to date in view of the fact that unemployment has increased.

In the Department of Labor's letter to me of April 30, 1970, it said:

> While the employment situation has changed since I was involved in the evaluation of this program a year ago, we have no evidence which indicates much easing in the overall demand for professional and technical workers who might be involved in SST production.

The letter concludes with the statement that, No. 1, the net employment increase from the SST would be negligible; No. 2, the overall national demand for high-skilled professionals remains strong; and No. 3, SST production would do little to benefit those lower skill workers hardest hit by the current downturn.

Later on in his speech the Senator from Arizona stated that assuming the full goal of 500 planes sold is reached, the Government will recoup an additional $1 billion on its investment.

It is interesting to see what this $1 billion return really amounts to. It represents a 4.3-percent return on Government investment when we consider the number of years over which the investment is made and the rate at which the investment will be returned. I point out that the Federal Government is now paying 7 percent to 8 percent for its money. So a return of 4.3 percent, even if the optimum is achieved—and I challenge the assertion that we are going to have 500 planes in operation—even under the best circumstances the Government will not be getting its money in terms of what it has to pay to borrow money to finance the program.

Furthermore, what is more telling, when we compare the Government's return with the return of the private concerns that are involved here, we really see the injustice of the matter. While the Government is making 4.3 percent on those 500 planes, Boeing's return on its investment will be 15 percent, General Electric's will be 11.2 percent, and the airlines' will be 21.5 percent. This is some partnership. These figures are FAA figures, from a report issued in September 1969 by the Department of Transportation entitled "Summary of Current Economic Studies of the U.S. SST."

An estimate made by John Walgreen, former economist under Secretary McNamara, and now professor at Wheaton College, concludes that the Government's rate of return will be from 0 to 3 percent "unless large-scale sonic booms of heavily populated areas are expected to be acceptable."

Let me further point out that on page 7 of the speech by the Senator from

Arizona he talks in terms of airlines sharing both the risk and the reward from this project.

First, it is incredible that any arrangement under which the Government pays 90 percent and private investors pay 10 percent can be considered a fair sharing of the risk. But what about reward? Does the Government at least get the lion's share of the profits? Of course not. Walgreen's paper works out some likely returns, based on varying assumptions.

Walgreen's analysis makes certain assumptions—that travel by air grows at 10 percent a year, which is the historic experience; that passengers value time at a rate equal to hourly earnings; that the SST's will cost about $40 million each and will weigh 675,000 pounds. Based on these assumptions, Walgreen estimates the number of planes sold at 139. If that number is sold, the Government will lose $1.183 billion on the project. At the same time, however, the private manufacturers will make a profit of $150 million on the SST. They would make a profit while the Government lost on the SST. Is this a fair sharing of the reward when the Government puts up 90 percent of the money?

Walgreen uses other assumptions and arrives at 225 planes sold and 443 planes sold, respectively. If 225 are sold, the Government will lose $552 million, while manufacturers will come out ahead $1.689 billion.

Finally, if 443 planes are sold, the Government comes out $1.05 billion ahead—this is where the FAA gets its estimate. But while the Government is struggling to make its $1 billion, the manufacturers are raking in a cool $6.495 billion. Some sharing.

So here is a heads I win, tails you lose proposition.

Furthermore, the main point, which I am not going to discuss in detail at all, has to do with environmental effects, which we found are increasingly dangerous, according to Mr. Train, former Interior Under Secretary, who is certainly one of the most widely recognized experts in the world on the environment.

But the main point is that what the Government can gain, what our society can gain, is so limited. The Senator from Arizona spoke about how we have competition with the Soviet Union, with the French, and with the English; but where is the benefit in this program?

Where is the benefit? It is true that a few people who fly overseas can save some time. They can save 3 or 4 hours, perhaps, in flying to London or Paris, or 8 or 10 hours if they fly to Asia. But this seems to be the sum and substance of the benefit. I have asked every witness—and we have had a number of them testifying in behalf of the SST—and they have come up with no real benefits. The Government would spend the substantial amount, this year, of $290 million, with no significant public benefit that we can find.

As we all know, President Nixon, in 1969, did appoint an ad hoc committee consisting of some of the outstanding members of his Cabinet and others—the Council of Economic Advisers, the Secretary of the Treasury, the Secretary of Labor, the President's Science Adviser, and many others—to give their judgment on the balance of payments.

Unanimously, they indicated that this was not a good investment. They were opposed to the investment. That is why I conclude reluctantly that while the distinguished Senators from Washington, though very fine and able men, have reasons which I think we can all understand to favor this program, it is a program which, it seems to me, it is very hard to justify.

Mr. President, I ask unanimous consent that the letters to which I have referred from the Department of Labor—there are two of them, one dated in 1969 and the other in 1970—be printed in the RECORD at this point.

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

U.S. DEPARTMENT OF LABOR,
Washington, D.C., March 26, 1969.

Hon. JAMES M. BEGGS,
Under Secretary, Department of Transportation, Washington, D.C.

DEAR MR. BEGGS: As agreed at yesterday's meeting of the Ad Hoc Committee, this letter supersedes my letter of March 21. It is my understanding that the report of the Ad Hoc Review Committee on the SST will be made up of (a) the reports of the four working panels and (b) this and letters from other Committee members setting forth additional views and recommendations.

I wish to summarize for the record the oral comments which I made yesterday to Secretary Volpe as follows:

1. The range of uncertainty with respect to the economic benefits from the SST is such that no clear case can be made on economic grounds for proceeding with the SST development.

2. Technological spill over benefits appear to be negligible.

3. There are major environmental and social problems which have not been solved and which should be the subject of further intensive research before proceeding with prototype construction.

4. The effect of SST development on the balance of payments is likely to be negative because of the probable major increase in United States tourism abroad.

5. The net employment increase from SST production would likely be negligible and would occur in the professional and technical categories where shortages already exist. The project would have practically no employment benefits for the disadvantaged hard-core unemployed with low skill levels.

In addition, we would recommend that the responsibility for long term research and development activities related to supersonic flight should be shifted from the Federal Aviation Agency of the Department of Transportation to the National Aeronautics and Space Administration. The basic mission of the FAA, to insure safe and efficient commercial air travel, would appear to conflict with the responsibility for carrying out a major research and development program leading to the certification of a particular supersonic aircraft to be produced by a single commercial firm.

Finally, it would be our recommendation that currently available funds for SST development be applied in 1970 to further intensive research on the environmental hazards associated with the supersonic flight and to further refinement of the economic and market studies.

Sincerely,

ARNOLD R. WEBER,
Assistant Secretary of Manpower.

U.S. DEPARTMENT OF LABOR,
Washington, D.C., April 30, 1970.

Hon. WILLIAM PROXMIRE,
Chairman, Subcommittee on Economy in Government, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of April 14 in which you directed my attention once again to the supersonic transport program. While the employment situation has changed since I was involved in the evaluation of this program a year ago, we have no evidence which indicates much easing in the overall demand for professional and technical workers who might be involved in SST production. There has been, however, an increase in the supply of semiskilled and unskilled workers due to cutbacks in defense related industries and the space programs, among other industries. In the Seattle area, the cutbacks are beginning to include some professional and technical workers also.

Our field offices have indicated that workers with specialized aircraft skills and extensive experience—instrument, aircraft, and electrical engineers and other technicians—may remain unemployed for relatively long periods unless they migrate to, or seek jobs in, other areas. Workers in professional, technical, and scientific occupations will also suffer unemployment as a result of defense cutbacks in industry and Department of Defense installations, but these will be mostly in such areas as the Washington, D.C., suburbs and Albuquerque, New Mexico. These workers will generally be covered, at least initially, by unemployment insurance.

The local State employment offices are being encouraged to be more responsive to the job placement needs of the more highly skilled workers and of professional and technical workers, particularly to establish more precise procedures to compare job shortages and surpluses among the various labor market areas. The emphasis in recent years has been so heavily directed toward the disadvantaged workers that special capabilities will now have to be developed in some of the local employment offices to handle the needs of higher level workers.

Therefore, although the overall employment situation in the country has certainly shifted since last year, we would still conclude that,

(a) the net employment increase from the SST would be negligible;

(b) the overall national demand for high skill professionals remains strong, and

(c) SST production would do little to benefit those lower skill workers hardest hit by the current downturn.

As you know, the President, after weighing the entire range of views on the SST, has recommended to the Congress that development on an SST should proceed. Obviously, the employment effects of SST development were only one factor among many which he considered in making his final decision.

We have not been involved in any further review or discussions with respect to SST development since March of last year and are therefore in no position to comment on the status of other areas of concern which surfaced in that earlier review.

Sincerely,

ARNOLD R. WEBER,
Assistant Secretary for Manpower.

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

Mr. PROXMIRE. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I listened very carefully to the statement of the distinguished Senator from Wisconsin. I do not think he has made an argument against the SST; I think his argument was against the financing.

It may be that there are some inequities in the financing. However, I have seen figures completely opposite to the figures the Senator has used.

If there is opposition to the construction of this aircraft based on engineering or aerodynamics, or concerning the need, then I think we shall have to meet that some day; but if the Senator's figures merely show it is a bad financial deal for the Federal Government, and if that is true, then I would suggest that we can get together and figure out some other way to do it. But I have yet to hear anything that convinces me that this plane should not be built.

The Senator is asking for reasons; let me cite one. We now dominate the world's aircraft market, mainly because we have built faster and better airplanes since World War II.

The minute that some other country makes available a supersonic transport, our airlines are going to buy them. Airlines around the world are going to buy them; and once that happens, then our ability to control the so-called domestic-type market, the subsonic type market, is going to disappear; and while the Senator does not seem to show much interest in the unemployment created, we would have a real problem. I might say that, through the efforts of the distinguished Senator from Wisconsin, we have a large unemployment rate in the aircraft industry and the avionics industry today.

I do not argue that we should have a high rate of expenditures in the military or any other field just for the sake of keeping up employment, but I think it is a lot cheaper to keep a man on the job than to pay him unemployment compensation, regardless of whether you call it a WPA or not.

Mr. President, on the remark the Senator made about military spending, yesterday I put something in the RECORD that I want to read—it will take only a moment or two—that I think will sort of chase the bugaboo of military spending out the window.

In part, I said:

Since President Nixon took office, our military spending has been declining. The projected military budget for fiscal 1971 is about 20 percent lower than the budget for similar expenditures in the last year under President Johnson. This makes allowance for the inflation of prices in that period. But no corresponding reduction has been made in other kinds of spending. For example, in the current 3-year period—fiscal year 1968 to fiscal year 1971—defense spending is being cut 9 percent, outlays for education and other social purposes boosted 47 percent, and all other Federal expenditures increased 21 percent. But the record of defense costs should probably be reviewed in a broader historical perspective:

Immediately after World War II, the Military Establishment was largely dismantled and outlays fell precipitately from $80 billion in 1945 to between $11 and $13 billion annually from 1948 to 1950. This unilateral disarmament was one of the causes of the Korean action which shot defense costs up to $50 billion in 1953. Since that time, that is, between 1953 and fiscal year 1971 as proposed by the President, defense expenditures increased 49 percent—approximately equal to the simultaneous rate of price rise. Spending for health, education, welfare, and labor increase 944 percent; for all other functions 182 percent.

More than half of the $129 billion increase in Federal expenditures between 1953 and 1971 was applied to social purposes, less than one-fifth to defense. Defense meanwhile shrank from 64 percent of the Federal budget to 36 percent, from 13.6 percent of gross national product to about 7.2 percent.

I mention that, Mr. President, because I have heard too often that military spending, for example, is the cause of inflation. It is not. It is the high rate of spending by the Federal Government in unrelated fields during a period of our economic history when we do not need a high rate of Federal spending, and we are now paying the piper.

This inflation we are going through was caused by the uncalled-for rate of spending in the Johnson administration; and thank goodness President Nixon is doing his best to cut it down, so that we can decrease the fires of inflation. But I deny the repeated statements made before the Committee on Foreign Relations by men who should know better that military spending is the cause of inflation.

I will be the first to admit that military spending can cause it. But it has not. Wars usually have as an aftermath inflation—I think mainly because we have not had the courage to adjust the price of gold at the end of each war period. We have not done it, and we have suffered inflation.

But I do not like military spending blamed for the inflation we have today. So I repeat, I hope during the continuing debate we will certainly have on this subject we can get a little more concrete opposition to what we are talking about, the SST. I would be very happy to sit down with my friend from Wisconsin at any time and talk about the financing, if he feels it is an unjust approach.

Mr. PROXMIRE. I see, Mr. President, that the hour is late. I shall try to be as concise as I can in responding to the Senator from Arizona; I have one or two other things I wish to put in the RECORD.

When we talk about the fact that military spending has been cut in the last couple of years, we have to recognize the fact that the Vietnam war has been de-escalated. I think this administration deserves some credit for that, and I have tried to give them credit. We have withdrawn 115,000 troops, and eased up on our aggressive operations in Vietnam. The Secretary of Defense and others have indicated that we have cut spending there between $12 billion and $15 billion; but that peace dividend has evaporated by going into other military programs, apparently, because we certainly have not cut the military budget by $12 billion or $15 billion.

It is true that inflation is one reason why the military budget has not gone down as much as it should have. But when we talk about cutting overall spending, we cannot get away from the analysis by the Bureau of the Budget which showed that the kind of spending we can get at, the controllable spending, is limited to about $100 billion. The other $100 billion of our $200 billion budget is involved in interest on the national debt, in things like social security commitments and payments, contracts that we have to pay for, veterans' pensions, and that kind of thing.

Of that $100 billion that is controllable, between $70 billion and $75 billion of it is military spending. So we can talk about all these other programs which have passed the Senate, many of them unanimously or almost unanimously, like social security measures; but if we are going to talk about a realistic effort to cut back spending, we have to confront the fact that the military area is where the action is.

Mr. President, with relation to the SST, I am delighted to hear the Senator from Arizona—I think we made good progress this afternoon—say that he thinks we should sit down and discuss the financing and that he has an open mind on it. I would hope that he would then reserve his support for the SST when it comes before us, until we can have a good, hard look at that financing, to see whether it is fair to the Federal Government. I would hope that in the event he concludes that this allocation of profits and losses, which I have discussed in some detail this afternoon is true—if he finds that is true—he would then oppose the SST, or at least insist that before we appropriate $290 million for it, a fairer contract be worked out.

I might say that it is true that I confined my arguments on the SST to financing and labor costs. This was a rebuttal to parts of the very fine speech by the Senator from Arizona. It was not a comprehensive analysis of what is wrong with the SST. I did that a couple of weeks ago. I believe the Senator from Arizona was in the Chamber when I did it. I covered many areas—the environmental effect, the lack of purpose, the noise problem, which is so serious and which he discussed so ably and fairly today.

CONSUMER PRICE INDEX CONTINUES TO RISE

Mr. PROXMIRE. Mr. President, the Consumer Price Index—what is known as the cost-of-living index—for May has just been released.

Once again, consumer prices rose. They rose at an annual rate of 6 percent over the previous month of April. They are up 6.2 percent over a year ago.

Food prices, which ordinarily fall in May, are up by 0.4 percent over the previous month on a seasonably adjusted basis.

One other fact is very important in all of this. We hear a great deal of talk about how wages have pushed up prices. But the American wage earner—even with some large increases in hourly rates—is worse off today than he was 1 year ago. Figures just released indicate that average weekly earnings in real terms for a worker with three dependents have declined by 1.2 percent in May 1970 as against May of 1969.

These figures indicate that the anti-inflation policies have not worked. Prices continue to go up. The rate at which they are going up is not declining in any significant way. The wage earner, those on fixed incomes, the elderly, the poor, and the ordinary American citizens are taking it on the chin.

Even the big corporations are suffering. Corporate profits are down as costs have gone up. Stockholders have not only

seen their dividends reduced, but also, as the market has fallen, their equity itself has declined.

In these circumstances, the President should act and act far more decisively than he indicated he would in his speech yesterday.

He should adopt stronger wage-price guidelines than he has indicated he will—as welcome as his initial program may be.

He should cut back dramatically on military spending, on space spending, and on unneeded items such as the SST. This would reduce spending, insure a Government surplus, reduce the pressures on interest rates, and restore confidence in the economy.

At the same time, the President must institute programs to channel a part of these funds into housing, antipollution and other programs to insure that those whose jobs are cut back by defense can be employed in these socially useful programs. This must be done with planning and intelligence.

At the moment, I see no indication that this job is being done and that there are any plans for the transition from a wartime to a peacetime economy.

I might point out that Mr. Herbert Stein, who is one of the members of the Council of Economic Advisers—and it is my understanding was given the principal responsibility or a responsibility of working for conversion from war to peace—indicated that there just is not any program that Congress or the people are going to be told about. The administration does not have a reconversion program. They do not have any program for putting to work people who are now in the military and who will be discharged, we hope, in future years.

I might also point out that the Joint Economic Committee unanimously—all the Republicans, all the Democrats, all the House Members, all the Senate Members—agreed that we should have a program, with jobs on the shelf, constructive jobs available, for people who will be thrown out of work or will be pushed out of work as we cut back in the military area, so that they can go to work.

There is an urgent need for a change in policies. We cannot continue attempting to stop inflation by inducing unemployment. That policy is wrong in itself. But it is also a failure, because it has not stopped or even slowed down inflation.

The time for action has come. The country will not continue to accept bad news month after month on both the job and the inflation fronts.

THE MAJORITY LEADER SPEAKS ON NATIONAL PRIORITIES

Mr. PROXMIRE. Mr. President, yesterday the members of the Subcommittee on Economy in Government of the Joint Economic Committee had the very real privilege of hearing the distinguished majority leader of the Senate, Senator MANSFIELD, outline his views on national priorities.

The great respect we all have for the majority leader is based on our recognition of him as a deeply thoughtful man, a man of conscience and conviction; in short, a true statesman. The majority leader is not a man to waste his words; when he speaks, he has something to say.

In his statement yesterday, Senator MANSFIELD had a great deal to say. First, he described the way in which we have poured resources into our Defense Establishment, wasting billions of dollars through sheer inefficiency and mismanagement in the process, while at the same time "we allowed the cities to rot—the slums to grow, and the ghettos to simmer and erupt." The majority leader then described the actions that the Congress, and the Senate in particular, have already taken to initiate a shift in spending priorities. Last year the Congress cut $5.6 billion from the administration's spending requests, with most of the cut taken from the military budget. At the same time, the Congress added money for health, education, manpower, and antipollution programs.

Yesterday, Senator MANSFIELD stated his conviction that this shift in national priorities must continue. In his succinct, yet nonetheless eloquent, words:

> The same measure of cooperation, dedication, and devotion that has characterized past investments in military programs and hardware must be applied with the same resolve and effect to the programs of human investment that are so vital now and in the future.

Mr. President, when the majority leader speaks, we listen, because we know that he is stating the conviction and the determination of the Democratic leadership in the Congress to do the job which must be done.

I ask unanimous consent to have printed in the RECORD the remarks of Senator MANSFIELD before the Subcommittee on Economy in Government.

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

STATEMENT BY SENATOR MIKE MANSFIELD

Gentleman, I first wish to thank you for extending me this opportunity. There is no single expert when it comes to assigning priorities or even for defining all of the various problems that confront us as a nation both at home and abroad. I do, however, profess certain notions about the order of things. And I prefer to look at them in terms of balance, of emphasis and choice.

Today we face perhaps the gravest choices of all. To be sure, militarily we are a strong nation. We are a nation that has produced a stockpile of weapons and weaponry sufficient to destroy the earth many times over. Since World War II, we have spent $1,250 billion on national defense. But the security of a nation cannot be measured solely by the amount of money spent on military hardware—even if each dollar spent were spent for weapons systems that worked. The decision to allocate so much of our resources for military might—in many cases purchasing military white elephants with a billion dollar price tag—has cost us dearly in terms of satisfying what to me are the essential ingredients of a healthy and secure society—good education and health, decent living conditions for all, a safe and clean environment and the absence of poverty. Over the years as we continued to build militarily, we allowed the cities to rot, we allowed the slums to grow and the ghettos to simmer and erupt. Only recently have we recognized that the whole fabric of our society has begun to unravel at the seams. Only recently have we begun to talk in terms of shifting the emphasis, of establishing a better balance with respect to these fundamental needs at home and our continuing involvements abroad.

It has been right here in this Committee, I might say, that much of the recognition was first indicated. It has been your efforts, Mr. Chairman and members of the Committee, that have done so much, I believe, to highlight the imbalance on the priorities scale. It is through your efforts that the public has become aware that out of $956 spent by our government for every man, woman and child, $400 goes to the Pentagon.

But size expenditure alone is not the only startling revelation; there is the immense waste that has accompanied our vast military disbursements and it is this gross inefficiency that has lent so much impetus to the struggle over priorities. For example, the additional $2 billion spent to correct wrong estimates on the C5–A cargo plane alone equalled almost all of the money spent on Health and Mental Health programs this year. It more than doubles the Administration request for federal urban renewal funds. It is more than eight times what the Administration requested last year for pollution control; more than eight times that requested for vocational education; more than 20 times that for education for the handicapped; and more than $600 million than was allocated last year for elementary and secondary education. And the C5–A is only one small example that tends to support the view of those who say that the Pentagon and its countless contractors have simply spilled money down the drain—enough wastage alone perhaps to fund adequately the needed pollution and environmental programs throughout the entire Federal Government. Maybe it overstates and over simplifies the matter but it clearly demonstrates the dilemma in which we find ourselves.

If my memory serves me correctly, the Chairman of this Committee made a statement a few months ago to the effect that the over-cost on weapon systems conservatively estimated and on the basis of information furnished by the General Accounting Office was somewhere in the vicinity of $21 billion. Now, one expects a certain amount of waste, but certainly when contracts are let which indicate such a tremendous overcost and in some instances the Government going in and bailing out some of the contractors, then I think it is time for all of us to sit up and take notice.

That is not to say that the elimination of waste alone is enough. It is not. What is needed is change in basic attitude by government at all levels but especially at the federal level where the real meaning of a safe and healthy society must be considered anew.

The clear awareness that our resources are not unlimited, that our wealth is not endless is finally being understood. If it has proved anything, the war in Southeast Asia has established that fact beyond all doubt. That is why, also, the Congress last year went at least part of the way in attempting to respond both to the question of priorities and to the matter of our limited resources. First of all, it cut $5.6 billion from the President's overall budget requests for fiscal year 1970. Most of those cuts came out of programs sought by the Pentagon and the military requests for more weapons and weapon systems. It reduced the Foreign Air Program by the same sum—$1 billion. In turn, Congress added a small fraction of the savings—about $1 billion—to health and welfare needs, to education programs, to pollution programs, manpower programs and the like. This was not enough—not enough in terms of the areas where reductions were made or additions granted—but it was a beginning; it was an indication that the Congress and

especially the Senate had begun to take the lead at long last in what I think is the right direction. Congress demonstrated that it was willing at least to face the issue of priorities.

But to complete the whole story, it should be said that not everyone was in agreement. After Congress had endeavored to face the question of priorities by slicing sharply the Defense budget and rechannelling a small fraction of the savings into health, welfare, education and environmental needs, the administration struck down the action with a veto of these vital additions to our most pressing domestic needs. That, gentlemen, is the real dilemma we in the Congress confront.

For it is one thing to grasp the question of balance and emphasis. It is another to implement a new order of priorities. We are only now recognizing those areas of domestic concern that have for too long been ignored in favor of a global concern based on a costly network of international agreements, commitments and policies established decades ago for circumstances that were then only marginally relevant and that today serve no purpose whatsoever. There are currently over 3 million Americans in uniform around the world. Secretary Laird recently stated that perhaps a one million man reduction could be achieved. There is simply no justification for the fact that about 1.5 million uniformed Americans are stationed overseas at more than 3,000 installations and bases. And with them are about 500,000 of their dependents. Take Western Europe alone. What is the sense of maintaining about 250,000 American troops there along with their dependents—25 years after World War II. This costs the taxpayer an exhorbitant amount—running into the billions each year.

As another example, since World War II we have spent $131 billion in total disbursements to foreign nations. In that same period we have spent little more than 1% of that sum in seeking the causes and prevention of crime. Yet today, I ask, what force is it that circumscribes our freedom of movement on the streets of every city in this nation? Certainly it is not a foreign power. It is crime right here at home. Crime is one of the most important issues facing our nation. Time and again our national advisory commissions on crime have warned that we must commit ourselves fully to winning the war on crime. But even this year there is budgeted only $480 million to help our states and local governments fight crime. That is about ¼ of the amount that was squandered on the C–5A cargo plane in cost overruns alone.

What I am saying is that as easily as we can recognize the problem areas, as clearly as we can point to the needs, we must be prepared as well to devote all that is needed to solve the problems and meet the needs. If we are told a missile system is necessary—but can't be assured it will work—we must be willing to judge independently its necessity and demand reasonable assurance of its operational capability or else be willing to eliminate it. If it means that a veto must be overridden, then we must override the veto. In any event the same measure of cooperation, dedication and devotion that has characterized past investments in military programs and hardware must be applied with the same resolve and effect to the porgrams of human investment that are so vital now and in the future.

With respect to our programs for education, health and poverty, we have always demanded that they prove effective or we eliminate the funds. In the case of a missile system that most feel will not work even if built to design, we insist that the money be spent regardless of the impediments. That can no longer be the practice. Let us apply the same standards in each case.

Let us as a nation make a contract to clean our rivers and our air, a contract to assure every American child a quality education, to assure every American pedestrian a safe street in which to walk, and a decent home in which to live. Let us assure all of the training and the skills needed for a decent job and then, Mr. Chairman, let us withstand the *overruns* on these contracts and commitments that will assuredly provide America with the security it has sought these past three decades. Thank you very much.

REPRESENTATION FOR THE DISTRICT OF COLUMBIA

Mr. PROXMIRE. Mr. President, I would like to add my voice to the growing cry for representation for the District of Columbia. It is tragic that Congress has for so long delayed action on such a vital issue as the right of all citizens to vote. This session marks the 20th time that the Congress has been faced with the pleas of the citizens of Washington that those citizens are victims of taxation without representation. Nineteen times—for 170 years these pleas have fallen on deaf ears.

Why has the Congress of the United States allowed its Capital City to remain a colony? What arguments can possibly be put forth which are more pressing, more significant than fundamental justice? For that is what is at issue here—when will we give all our citizens, the right to vote?

Who would deny that our Government must derive its powers from the consent of the governed? Yet for 170 years citizens of Washington have not been allowed to select those who make the laws under which they are governed. For 170 years citizens of Washington have had to fight and die in wars without having the fundamental democratic right to select representatives to Congress. For 170 years citizens of Washington have had to pay taxes which they have had no part in legitimizing. It is shameful that the Nation which considers itself to be the guardian of democracy should be the only democratic nation in the world whose capital is not represented in the national legislature. Here is our Capital where democracy should be strongest it is weakest. Here is our Capital where we should be setting an example for the free world we are caught up in meaningless delay.

Two tasks face Congress if we are ever to truly strengthen democracy in our Nation's Capital. First, we must give Washington full representation in Congress. And then, we must grant the District home rule. Today I take this time to urge my colleagues to undertake the first of these tasks—that of granting congressional representation to the District of Columbia.

Congressional representation for the District is a logical continuation of recent increased Government concern with voting rights. The abolition of the poll tax, the voting rights acts, the reapportionment decisions in the Supreme Court, and most recently the passage by Congress of the voting act which will give 18-year-olds the right to vote are all giant steps toward more equitable voting rights and procedures. Is it not about time that we extend these rights to the 815,000 potential voters in the District?

Mr. President, the League of Women Voters has gathered over a million and a quarter signatures from citiezns of all 50 of our States urging voting representation for District residents. The platforms of both the Democratic and Republican Parties in 1968 contained a plank supporting representation for the District. President Nixon in supporting such representation told Congress in a message last year:

> It should offend the democratic senses of this nation that the 850,000 citizens of its capital comprising a population larger than eleven of its states have no voice in Congress.

Groups with such diverse interests as the District Board of Trade, the American Civil Liberties Union, and the AFL–CIO are all united in their stand on the issue. Massive petitioning campaigns are underway here in the District. It would seem that conditions are finally ripe for a change that has been long overdue.

I urge my colleagues in the Senate to heed this growing public support and lend their support to the constitutional amendment now pending before the Judiciary Committee which would give the District of Columbia full representation. By full representation, I mean two Senators and as many Representatives as the District would be entitled if it were a State. There is no reason why residents of the District—as full citizens of this country—should have no or only partial representation in this Congress.

Of course, Mr. President, there are a whole series of arguments which have been used to rationalize the rejection of District representation plans. Some have claimed that since the District is not a State, it has no constitutional basis for electing a representative, others have said that its status as a unique Federal City must be protected or that many Washington residents are not permanent and could and should vote elsewhere. But Mr. President, all these arguments are dwarfed by a single major principle of the American Republic—that governments derive their power strictly and exclusively from the consent of the governed.

I would just like to take a moment to answer the toughest of the objections to District representation—the argument that the Founding Fathers did not intend for the District to be a State but rather envisioned a Federal City which had no right to congressional representation.

The Founding Fathers apparently spent little if any time discussing the future of the Nation's Capital. The fact is that an accident of history is the only reason the residents of Washington were disenfranchised. James Madison, one of the Constitution's principal architects, states in the Federalist, No. 43 that the Federal City should "of course, have their voice in the election of the Government which is to exercise authority over them." The Founding Fathers were not primarily concerned at the Constitutional Convention with a city that was but a series of cornfields, marshlands, alder bushes, and pasturelands. Besides, little could they have foreseen the large and complex city that Washington would become.

Today as one of the Nation's 10 largest cities, Washington is faced with the same overwhelming problems that face all American cities—crime, education, poverty, health, race, but Washington is the only city in the Nation that has no voice in attempting to solve its problems. While it is important that the District be given the right to seek local solutions to its problems in the form of home rule, it must at the very least be given a voice in the national effort to solve these problems in Congress.

Tragically 815,000 of our fellow citizens have no representatives to turn to with their concerns. If they turn to one of us we are not able to fully represent our constituents.

Periodically Washington citizens and newspapers have pleaded with Congress in the hope that this body would uphold the spirit of the Constitution and Declaration of Independence. One editorial supporting representation appeared in the Evening Star. It read in part:

> It is conceded that the best method by which Congress can regulate the capital as a city may vary somewhat in details, with altering circumstances, but there is no urgent, present necessity for a change in this respect. The more important question is, shall not the people of the District, who now largely exceed the number of persons represented by each member of the House, be admitted to the Union as citizens of a quasi-state, and be granted representation in the National Legislature, and the privilege of voting for President? Without disputing for the present the proposition, proved absurd by experience, that they do not need, as citizens of the District, distinct representation in the Congress as a local legislature because they are represented in that capacity by all Senators and Representatives, do they not, as citizens of the United States, assembled in sufficient numbers in a limited space and paying national taxes, require representation in the body which imposes and disburses these taxes?

It is tragic that Washington citizens have had to wait so long for simple, fundamental justice. It is tragic that the editorial I have just read was printed in 1888. Since 1888 Washington has obtained the privilege of voting for President. However, it still has no representation in Congress.

Mr. President, we would do best to remember that representative democracy exists only with the consent of the governed and that taxation without representation is tantamount to tyranny. How much longer will the citizens of Washington have to wait for their fundamental rights? Congress must act now to grant representation to the District of Columbia; 170 years is long enough.

PRESIDENT NIXON'S ADDRESS ON THE ECONOMY

Mr. PELL. Mr. President, I wish to respond briefly to President Nixon's message to the country on the condition of the economy and what his administration is—and is not—prepared to do about our steadily worsening condition. I will not attempt to comment in detail on his specific interpretations and proposals, which should be thoroughly and objectively analyzed before one makes decisions on the merits.

I agree fully with the President's position that there should be no attempt to play politics with the cost of living of the American people. It is because I agree that this issue is too important to the American people for partisan political approaches that I find the President's actual and implied criticisms of the Congress to be most unfortunate.

It has been said that the great weakness of government is postponement and delay. All too often action is deferred until is has needed doing for so long that, by the time we do move, it is already time to be doing something else. Certainly this may be said of economic policies during the past 18 months. For more than a year while inflation and unemployment climbed hand in hand—in itself a rare phenomenon—the President explicitly refused to use the educational powers of his office to urge restraint upon business and labor. He declined, he said, to engage in "jawboning." Others might have called it leadership.

From the beginning, the President and his advisers also rejected the voluntary guideposts devised through trial and error during the 8 years of the Kennedy-Johnson administrations.

"Our policies are working," they tell us. "In the long run, prices will come down." The trouble with such long-term policies, as the economist John Maynard Keynes once observed, is that "in the long run, we are all dead." How long can the American people be expected patiently to endure a situation which finds 5 percent of our labor force unemployed, the rate of inflation continuing at 6 percent or more a year, and interest rates at their highest level since the Civil War? How much proof does the administration need before it recognizes that something is drastically wrong with our economy and that something drastic must be done about it?

It is instructive to look at other efforts in recent decades to control inflation. We all remember, I am sure, that it was pressure from the White House which rolled back price increases on steel during President Kennedy's administration in 1962. Fewer recall, perhaps, that it was similar pressure a few weeks earlier which persuaded the steelworkers union to forego wage increases in a potentially inflationary economy.

We recall, too, that it was positive action from the White House in 1965 during President Johnson's administration which prevented sharp increases in the price of aluminum and copper. As more than one economic expert has observed, even evidence that the President is willing to act can have a powerful effect.

Experts may debate the exact degree to which the policies and actions of the two previous Democratic administrations contributed to actual control of inflation. But the inescapable fact is that action was taken—and the rate of inflation during those years was less than a third of what it is today. We cannot, of course, ignore the effects of Vietnam on our economy. But the troop buildup in Vietnam began in the summer of 1965, and 3½ years later, when President Nixon took office, the rate of inflation was still far less than half of what it is today.

The philosophy of "nixonomics" as some have termed it seems to be that if we can slow down business, stop the country's growth, and live with unemployment, then everything will become all right. Well, they have certainly achieved some of these objectives. Real growth in our gross national product has ceased entirely, if not actually declined. More and more experts agree that we are in the midst of a recession. The stock market is in the longest sustained slump since the 1930's. Unemployment continues to rise. Even without inflation, I would not call that "all right." But in the face of all this, inflation continues.

I congratulate the President, though, on bringing attention to the problem of productivity. Personally, I have always believed that the positive, constructive way to combat inflation is to increase productivity on the supply of goods in order to better sop up the available money. To my mind, this is a much more nationally advantageous policy than the raising of interest rates and, far worse, the encouragement of unemployment which are the present policies followed by the administration. Too many people forget that demand is only one-half of the demand-supply equation. Particularly at a time when unemployment is rising, and when there are indications that we are not using all of our productive capacity, more stress should be placed on increasing production.

There is much in the President's statement which will require careful study before one can hope to understand exactly what he intended to tell us. Unemployment, we were told, is the result of a nation in transition from war to peace. Inflation, however, is the result presumably of a wartime economy. But if the administration is in fact cutting-back on Government spending and rapidly reducing the level of warfare in Vietnam, why does not the rate of inflation go down as the rate of unemployment goes up? If, as the President suggests, the failure of this administration's policies results from underestimating "the inflationary thrust" of the 3 years preceding his taking office, why has it taken so long to make itself manifest? As I have already pointed out, the rate of inflation has been steadily increasing under this administration, in comparison with its predecessors.

The President informed us once more that he will not resort to public "denunciations" of individual companies or unions in the attempt to combat inflationary wage and price increases, but he tells us that the Council of Economic Advisers will now maintain an "inflation alert," citing outstanding specific cases of increases encouraging inflation and making those cases public knowledge.

I can only take this to mean that the President is opposed to "jaw-boning" because it does not work, but has ordered his Council of Economic Advisers to "jaw-bone."

The President asks the Congress, quite specifically, not to give him stand-by wage and price control authority. This, he suggests, would be "playing politics,"

because the Congress knows that he would never exercise such authority. the implication is that we would be acting only to embarrass the President.

I think it is only fair to say that if the economic situation improves rapidly without controls, the President obviously will not be embarrassed. It is only if the economic situation continues to deteriorate, and the President then fails to use the authority granted to him by the Congress, that there will be embarrassment. Personally, what I am deeply interested in is seeing that the current inflationary spiral and the current downtrend in production and employment is ended.

As a member of the Foreign Relations Committee, I cannot refrain from speculating about how strong would be the President's objection to standby authority if the purpose of that authority were to give him a free hand to deploy troops in Asia.

The President expressed concern about the abandonment of our freedoms. When President Truman called for wage and price controls during the Korean war, the Senate Republican leader of that time stated that the program, if adopted, "probably means an end to economic freedom in the United States, perhaps forever." The country and the free enterprise system, however, survived the adoption of that program—and the Consumer Price Index, which rose 5.9 percent in 1951, gained less than 1 percent the following year. Indeed, it is entirely possible that the free enterprise system survived because of those controls, not despite them.

It seems to me that the time has come to act. I do not believe we can delay for a summer and fall of White House conferences and committee reports. We in this body, and our friends in the other house, have no power to force the President to act against his own judgment. Nor should we have. But we can give the President the authority and the power to impose selective wage and price controls, and I believe the time has come to do so. Whether he ultimately elects to use that power is a matter for his own conscience, his judgment, and the will of the American people.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon disposition of the reading of the Journal tomorrow, the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

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

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I make the following unanimous consent request:

Ordered, That the Senate proceed to vote at 2 p.m. on Monday, June 22, 1970, on the amendment of the Senator from West Virginia (Mr. BYRD), No. 708, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, with the debate after 1:00 p.m. on that date being equally divided and controlled by the Senator from West Virginia (Mr. BYRD) and the Senator from Idaho (Mr. CHURCH), or their designees.

The PRESIDING OFFICER (Mr. CHURCH). Is there objection to the request of the Senator from West Virginia? The Chair hears none and it is so ordered.

STAR PRINTING OF S. 3941 AND ADDITIONAL COSPONSORS

Mr. GRIFFIN. Mr. President, through an inadvertence, a section of S. 3941, to provide civil penalties for the use of lead-based paint in certain dwellings, introduced June 9 by the Senator from Pennsylvania (Mr. SCHWEIKER), for himself and others, was omitted. I ask unanimous consent that a star print be made correcting this error. I also ask that at this printing the names of the Senator from Oregon (Mr. HATFIELD), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MONDALE) and the Senator from Wisconsin (Mr. NELSON) be added as cosponsors.

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

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

PROPOSED AMENDMENT TO THE CONSTITUTION TO PROVIDE FOR THE DIRECT POPULAR ELECTION OF THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES—AMENDMENT

AMENDMENT NO. 711

Mr. GRIFFIN. On behalf of the senior Senator from Maryland and myself I submit an amendment to Senate Joint Resolution 1, the proposed constitutional amendment providing for the direct election of the President, which will replace the runoff election contingency. In the amendment as currently drafted, if the leading popular candidate fails to receive 40 percent of the vote, a second or runoff election must be held. This provision is a dangerous incentive to splinter party movements.

In order to gain tremendous political leverage, all that one or several splinter parties need do is attract 20 percent of the popular vote. Under the direct election amendment as written, the prospect of sectional or ideological parties crassly bargaining with the major parties in the first election or the runoff becomes too real. Widespread cynical dealing and permanent party fragmentation may cause the disappearance of our stable, two-party system as we know it today.

The amendment to be offered will help this possibility without in any way altering the popular vote concept of the direct election amendment. Under the amendment, if the frontrunner receives a majority of all the State's electoral votes he is elected President, even though he fails to gain 40 percent of the popular vote. No second- or third-place candidate in the popular vote can be elected this way: however, it allows a candidate who is the popular choice and who has widespread support amongst the States to win.

If the candidate leading in popular votes gathers neither 40 percent of the popular vote nor a majority of electoral votes, then the amendment would provide for a joint session of the newly chosen Congress to select the President from the two leading candidates in the popular election. Thus the new Congress, representing the most recent expression of the popular will and with each Representative and Senator having one vote, will openly choose one of the two major contenders.

The procedure provided by this amendment would provide for selection, just as accurately as in a runoff, a minority candidate for the President who has the widest base of popular support while it insures—as the runoff does not—that our party system will not crumble during times of stress.

Mr. President, I ask unanimous consent that separate views to the committee report as well as a summary analysis and the text of the amendment be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. CHURCH). The amendment will be received and printed and will lie on the table; and, without objection, the amendment, separate views, and summary analysis will be printed in the RECORD.

The amendment (No. 711) is as follows:

AMENDMENT NO. 711

Beginning with line 20, page 2, strike out all to and including line 4, page 3, and insert in lieu thereof the following:

"SEC. 3. The persons joined as candidates for President and Vice President having the greatest number of votes shall be declared elected President and Vice President, if such number be at least 40 per centum of the total number of votes certified. If none of the persons joined as candidates for President and Vice President shall have at least 40 per centum of the total number of votes certified, but the persons joined as candidates for President and Vice President having the greatest number of votes cast in the election received the greatest number of the votes cast in each of several States which in combination are entitled to a number of Senators and Representatives in the Congress constituting a majority of the whole number of Members of both Houses of the Congress; such persons shall be declared elected President and Vice President. For the purposes of the preceding sentence, the District of Columbia shall be considered to be a State, and to be entitled to a number of Senators and Representatives in the Congress equal to the number to which it would be entitled if it were a State, but in no event more than the number to which the least populous State is entitled.

"If, after any such election, none of the

persons joined as candidates for President and Vice President can be declared to be elected pursuant to the preceding paragraph, the Congress shall assemble in special session, in such manner as the Congress shall prescribe by law, on the first Monday of December of the year in which the election occurred. The Congress so assembled in special session shall be composed of those persons who are qualified to serve as Members of the Senate and the House of Representatives for the regular session beginning in the year next following the year in which the election occurred. In that special session the Senate and the House of Representatives so constituted sitting in joint session shall choose immediately, from the two pairs of persons joined as candidates for President and Vice President who received the highest numbers of votes cast in the election, one such pair by ballot. For that purpose a quorum shall consist of three-fourths of the whole number of Senators and Representatives. The vote of each Member of each House shall be publicly announced and recorded. The pair of persons joined as candidates for President and Vice President receiving the greatest number of votes shall be declared elected President and Vice President. Immediately after such declaration, the special session shall be adjourned sine die."

The separate views and summary analysis, presented by Mr. GRIFFIN, are as follows:

REPORT ON THE DIRECT ELECTION AMENDMENT TO THE CONSTITUTION—SEPARATE VIEWS OF U.S. SENATOR ROBERT P. GRIFFIN AND U.S. SENATOR JOSEPH D. TYDINGS

Although we wholeheartedly endorse the direct election concept contained in S.J. Res. 1, we are concerned that the contingency for a runoff election in the event that the popular vote winner has less than 40 percent of the votes cast may encourage a proliferation of minor parties and consequently a breakdown of the two-party structure as we know it.

In order to preserve the framework of accommodation and compromise which has been the crucial unifying element in American politics, we offered an amendment in Committee retaining the basic popular vote concept while, at the same time, restricting the opportunity of minor party candidates to weaken significantly the two-party system. Essentially, our amendment substitutes an election by a Joint Session of Congress for the runoff contingency in S.J. Res. 1. However, the Congressional runoff we propose will occur only if the popular vote winner does not receive 40 percent of the popular vote or a majority of the electoral vote. The text of this proposal follows our statement.

"No business other than the choosing of a President and a Vice President shall be transacted in any special session in which the Congress is assembled under this section. A regular session of the Congress shall be adjourned during the period of any such special session, but may be continued after the adjournment of such special session until the beginning of the next regular session of the Congress. The assembly of the Congress in special session under this section shall not affect the term of office for which a Member of the Congress theretofore has been elected or appointed, and this section shall not impair the powers of any Member of the Congress with respect to any matter other than proceedings conducted in special session under this section."

On page 3, line 16, immediately after the period, insert the following new sentence: "No such election shall be held later than the first Tuesday after the first Monday in November, and the results thereof shall be declared no later than the third Tuesday after the first Monday in November of the year in which the election occurs."

PROBLEMS WITH RUNOFF

In probing the justifications advanced for the popular runoff contingency in S.J. Res. 1, a number of disturbing, unanswered questions remain. How, for instance, do we account for the general consensus among political scientists that election of Governors and legislators by plurality vote, without a runoff, has definitely encouraged the two-party system? What relevance to the Committee proposal is there in the history of divisive, bitterly fought primary runoffs, particularly in the South, where the first election provides a testing ground for the strength of various ideologies? Even in statewide contests where only a plurality is required, four relatively strong parties have emerged in New York, thereby demonstrating the clout of minor parties.

While a runoff in the House of Representatives is possible under the present electoral system, the inhibiting effect of the unit rule has discouraged the proliferation of minor parties except for those having some type of regional base. Under the winner-take-all feature minor parties have thrown the election into the House only in the case of the 1824 election. Of the 46 Presidential elections since 1789, major third-party challenges have occurred in only eight contests.

Despite this record, popular vote totals in past elections are relied upon for formulating the 40 percent plurality requirement designed to minimize the possibility of runoffs. However, is the history of results under the present system, where a powerful deterrent exists to the entrance of minor parties on the political scene, good precedent for evaluating the success of an entirely new concept lacking the safeguards against ideological candidates?

These questions, in our opinion, can be satisfactorily answered only by altering the runoff contingency in order to strike a better balance between the need for direct public participation and the need for institutional stability.

Although it is possible for the present system to produce some peculiar and undesirable results as the Committee Report emphasizes, it is important not to lose sight of its strong points.

Since 1836 when the unit rule became the general standard in the States for allocating electoral votes, not one election has been sent to the House of Representatives due to the inability of any candidate to receive a majority of the electoral votes. The 1876 election went to the House only to determine which major party candidate should have received the 22 electoral votes in four States where the election returns were in dispute.

As emphasized during the Senate hearings by Professor Alexander Bickel of Yale Law School and former Presidntial assistant Richard Goodwin, the present electoral system restricts third party challenges to those candidates who have a strong regional base. The lack of such a base is illustrated by the demise of the Progressive Party. In 1924 Robert La Follette garnered 16.6 percent of the popular vote but carried only Wisconsin with its 13 electoral votes. Henry Wallace, running on the Progressive ticket in 1948, got 2.4 percent of the popular vote but won no electoral votes. That same year, Senator Thurmond, representing the regionally based States Rights Party, received the same percentage of the popular vote as Henry Wallace but collected 39 electoral votes. Of course, the impact of the States Rights Party can be seen today in George Wallace's American Independent Party.

The limitations of even solid regional support on a third party's efforts are strikingly demonstrated by going back to the 1860 election. Although the southern Democratic candidate, John Breckinridge, polled 72 electoral votes and John Bell of the constitutional Union Party polled 39, Abraham Lincoln won a mojority of the electoral vote with only 39.9 percent of the popular vote.

On the other hand, under the 40 percent plurality required for direct election, a minor party or combination of minor parties need only approach 20 percent of the popular vote in order to reach a strong bargaining position. The prospect of two minor party candidates, one regional and one ideological, amassing 20 percent of the vote is quite realistic in the near future of American politics.

In view of this attractive political framework, the direct election plan, as embodied in S.J. Res. 1, opens the door to public political bargaining with the most far-reaching consequences. Concessions wrung from major party candidates either before or after the first election would be made in a heated atmosphere conducive to the creation of public distrust. Given the fact that bargaining before the runoff election would take place under conditions of division and disappointment, cynical political moves might in themselves lead to a crisis of respect and legitimacy in the selection of the President. Undoubtedly, the aura of legitimacy would be all the more in doubt where the runner-up in the initial contest wins the runoff by wooing third-party support. In such a case, the question of legitimacy is sharpened even further if the turnout in the second election is substantially lower than in the first election.

THE AMENDMENT

While we believe that the 40 percent requirement in S.J. Res. 1 has validity and provides a legitimate base of support, we are convinced that further protection is needed to insure that the 40 percent standard becomes the floor and not the ceiling for popular vote winners. At the same time, any move away from the runoff approach should be exercised with extreme care in order that the essential principle of direct election is not destroyed.

The amendment we propose is designed to accomplish these objectives. We are confident that, if adopted, it will not only strengthen the direct vote proposal but also will enhance its chances of being ratified by three-fourths of the State legislatures.

Importantly, our proposal does not differ from S.J. Res. 1 where at least one candidate receives 40 percent or more of the popular vote. However, instead of going immediately to a runoff election if no candidate polls the required 40 percent, the popular vote winner will still be elected provided he obtains a majority of the electoral vote. The contingency or runoff election before a Joint Session of Congress occurs only if the above conditions are not met.

Significantly, if this proposal had been incorporated in the Constitution from the outset, with all other things remaining equal, no Presidential election in our nation's history would have been decided by Congress. In fact, the popular vote winner would have become President in every election. Even under S.J. Res. 1, a popular vote runoff would have been required in the 1860 election where Abraham Lincoln received only 39.9 percent of the popular vote. Under our plan, Lincoln automatically would have become President since he received a majority of the electoral vote.

Two important functions are served by this amendment. First, it raises a substantial barrier to minor party candidates by requiring them to get at least 20 percent of the popular vote as well as requiring them to poll or divert enough electoral votes from the popular vote winner in order to prevent him from getting a majority of such vote. It does

not offer the incentives of the present system where, under the Twelfth Amendment, a third party candidate participates in the contingent runoff election in the House of Representatives. *Under our proposal only the two highest vote getters will be considered in the election by a Joint Session of Congress.*

Second, the geographical base provided by a majority of the electoral vote will add a significant factor of legitimacy to the popular vote winner who receives less than 40 percent of the popular vote.

In considering this plan, it should be kept in mind that the electoral vote cannot put the popular vote loser or runner-up in the White House. In other words, a repeat of the 1888 election, where Benjamin Harrison became President with fewer popular votes than Grover Cleveland by having a majority of electoral votes, is not possible under our system.

Of course, it will still be true that Congress may elect the candidate with fewer popular votes than his opponent. But in such a case, it seems to us that the will of the people is more accurately reflected through the vote of their representatives than through the arbitrary allocation of electoral votes under the unit rule. In addition, where no candidate has a clear-cut preference among the voters, it would seem desirable that whoever is elected should start his term with at least a working majority in Congress.

Selection by the Congress in Joint Session with each member having one vote lessens the chance, we believe, of any maneuvering casting suspicion on the legitimacy of the outcome. In contrast to the present situation where each State has one vote in the House of Representatives, an independent obligation is placed on every member to exercise his vote in a reasonable manner.

In the event that Congress must elect the President, our amendment provides that the newly elected Congress shall meet in a Special Session on the first Monday in December. To do so will cut in half the time lag between the second election and the present November election date which would otherwise prevail if the Joint Session is held immediately after Congress assembles on January 3. A two-week period is provided from the November election before the results must be declared. This should be adequate time for completion of recounts and ballot challenges. If Congress determines that more time is needed, the initial election may be moved back from its traditional November date. By narrowing the time between the first and second elections, we are confident that the climate and opportunity for backroom bargaining will be substantially reduced. By moving the second runoff election to the first week in December the President-elect will be given more opportunity to organize his administration.

THREAT OF PARTY FRAGMENTATION

For many, substantial weakening of the two-party system would be a serious, if not crippling blow to the functioning of the American political process. A stable dual party structure serves many vital tasks of our democracy. Two stable parties provide the continuity of program needed to accomplish major change in a relatively slow-moving political process. Most important, with only two parties, there is a need to create a real majority or large plurality for electoral victory. This fact requires that each party provide a political program that attracts a broad spectrum of voters.

Of course, ours is a society that is in need of change and innovation in its policies and institutions. Many believe that the two-party system and barriers to third parties have impeded these needed reforms. However, historical precedent seems convincing that reform, if it is to be successful, is best directed within a major party. Only the major parties offer the strength of broad support and the structure of continuity that is a prerequisite for meaningful change. This is not to say, however, that the parties do not require major internal reform in order to allow change and challenge from within.

It is difficult to gather the support of large and differing groups in any party for significant change; but this is the cost of governing by consent rather than decree. The only other alternative in such a diverse society as ours is political fragmentation. And fragmentation without coercion will be stagnation.

In short, our political system desperately needs all its institutions that moderate conflict and provide for the means to change. The enactment of S.J. Res. 1 would alter the Presidential elections to encourage third parties and undermine one of the key institutions of conflict, resolution and change in our system. We believe our modification of S.J. Res. 1 combines the best features of the electoral and popular vote systems. It encourages accommodation while insuring that the President-elect directly reflects the vote of the people. While no Presidential election system can adequately encompass every interest in our complex society, we respectfully suggest that S.J. Res. 1 as amended by our proposal offers the best alternative.

SUMMARY ANALYSIS

The amendment retains the basic requirement in S.J. Res. 1 that a Presidential candidate must receive 40 percent of the popular vote in order to be elected. However, instead of having a popular runoff if no candidate gets the necessary 40 percent, the popular vote winner will be elected automatically if he wins a majority of the electoral vote.

If the popular vote winner does not receive 40 percent of the popular vote or a majority of the electoral vote then the newly elected Congress sitting in a Special Joint Session shall elect the President from among the two highest popular vote recipients. The Special Session will be held on the first Monday in December in the manner provided for by Congress. The election shall take place immediately after the assembling of Congress in Joint Session and after a quorum, consisting of three-fourths of the Members of Congress, has been attained. By a record vote the candidate receiving the most votes shall be elected President.

The Special Session shall be convened only for the purpose of electing the President and will not cut short any pending regular session or affect the powers or term of office of Members of Congress assembled for such a regular session.

An additional provision is included which allows Congress to set a Presidential election earlier, but not later, than the present date for such elections. In addition, the results of the popular election must be declared by the third Tuesday after the first Monday in November. Since Section 5 provides that a runoff election in Congress shall be held on the first Monday of December, at least a week will elapse between the formal declaration of the results and the second election. In the event that Congress determines there is not adequate time for recounts between the present November election date and the deadline for declaring the results an earlier date may be set for the initial election.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 10 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 9 minutes p.m.) the Senate adjourned until tomorrow, Friday, June 19, 1970, at 10 a.m.

HOUSE OF REPRESENTATIVES—*Thursday, June 18, 1970*

The House met at 11 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

O keep my soul and deliver me; let me not be ashamed; for I put my trust in Thee. Psalm 25: 20.

Infinite and eternal God, whose way is life, whose work is truth, and whose will is love—let Thy presence abide in our hearts this day and all days, that seeking Thy life we may find it, searching for Thy truth we may discover it, and striving for Thy love we may possess it. Thus may we dwell together safely and securely, proving ourselves faithful to Thy trust in us.

We commend our country to Thy loving care and keeping. Guide our leaders in right paths and our people in true ways for Thy name's sake. Particularly do we pray for the men and women in our Armed Forces and for our prisoners of war. Strengthen them to endure what must be endured and give them hope for the end of conflict, for peace, and for a safe return to their loved ones.

In the spirit of the Prince of Peace we pray. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE PRESIDENT

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

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 16731. An act to amend the provisions of title III of the Federal Civil Defense Act of 1950, as amended.

The message also announced that the Senate had passed with amendment in which the concurrence of the House is requested, a bill of the House of the following title:

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.