of Keum Jo Kim; with amendments (Rept. No. 91–1253). Referred to the Committee of the Whole House.

Mr. RODINO: Committee on the Judiciary. H.R. 4670. A bill for the relief of Ok Yon (Mrs. Charles G.) Kirsch; with an amendment (Rept. No. 91–1254). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 5655. A bill for the relief of Low Yin (also known as Low Ying); with an amendment (Rept. No. 91–1255). Referred to the Committee of the Whole House.

Mr. MAYNE: Committee on the Judiciary. H.R. 12400. A bill for the relief of Tae Pung Hills; with an amendment (Rept. No. 91–1256). Referred to the Committee of the Whole House.

Mr. DOWDY: Committee on the Judiciary. H.R. 12446. A bill to confer U.S. citizenship posthumously upon Guadalupe Esparza-Montoya; with amendments (Rept. No. 91–1257). Referred to the Committee of the Whole House.

Mr. MESKILL: Committee on the Judiciary. H.R. 13265. A bill to confer U.S. citizenship posthumously upon L. Cpl. Frank J. Krec (Rept. No. 91–1258). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 13997. A bill to confer citizenship to S. Sgt. Ryuzo Somma, deceased; with an amendment (Rept. No. 91–1259). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CELLER:

H.R. 18246. A bill to amend the Sherman Act, as amended, by requiring prior notification of price increases in certain industries, and for other purposes; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 18247. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 18248. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. HELSTOSKI:

H.R. 18249. A bill to authorize the Secretary of the Interior to establish the Thaddeus Kosciuszko Home National Historic Site in the State of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. JOHNSON of California:

H.R. 18250. A bill to authorize and direct the Secretary of Agriculture to convey certain lands in the Squaw Valley, Calif., to the State of California; to the Committee on Interior and Insular Affairs.

By Mr. SCHNEEBELI (for himself and Mr. CORMAN):

H.R. 18251. A bill to amend the Internal Revenue Code of 1954 to provide refunds in the case of certain uses of tread rubber; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself, Mr. HALEY, Mr. SAYLOR, Mr. BARING, Mr. BROWN of California, Mr. DENNEY, Mr. DORN, Mr. DULSKI, Mr. DUNCAN, Mr. EDWARDS of California, Mr. HALPERN, Mr. HAMMERSCHMIDT, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Mr. PUCINSKI, Mr. ROBERTS, Mr. ROYBAL, Mr. SATTERFIELD, Mr. SCOTT, Mr. STRATTON, Mr. TEAGUE of California, Mr. ZWACH, Mr. FRASER, Mr. BIAGGI, and Mr. FASCELL):

H.R. 18252. A bill to amend title 38 of the United States Code to provide improved medical care to veterans; to provide hospital and medical care to certain dependents and survivors of veterans; to improve recruitment and retention of career personnel in the Department of Medicine and Surgery; and for other purposes; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of Texas (for himself, Mr. SAYLOR, Mr. BARING, Mr. DUNCAN, Mr. HALPERN, Mr. HELSTOSKI, Mr. ROBERTS, Mr. ROYBAL, and Mr. EDWARDS of California):

H.R. 18253. A bill to increase the availability of guaranteed home loan financing for veterans and to increase the income of the national service life insurance fund; to the Committee on Veterans' Affairs.

By Mr. ICHORD:

H.R. 18254. A bill to provide for public disclosure by Members of the House of Representatives, Members of the U.S. Senate, Justices and judges of the U.S. courts, and policymaking officials of the executive branch as designated by the Civil Service Commission, but including the President, Vice President, and Cabinet members; and by candidates for the House of Representatives and the Senate, the Presidency, and the Vice Presidency; and to give the House Committee on Standards of Conduct, the Senate Select Committee on Standards of Conduct, the Director of the Administrative Office of the United States Courts, and the Attorney General of the United States appropriate jurisdiction; to the Committee on the Judiciary.

By Mr. SCHWENGEL:

H.R. 18255. A bill to reduce the pay of Senators and Representatives in Congress; to the Committee on Post Office and Civil Service.

By Mr. GIBBONS:

H.J. Res. 1281. Joint resolution creating a Joint Committee on Classified Information; to the Committee on Rules.

By Mr. RODINO:

H.J. Res. 1282. Joint resolution to proclaim the second week in July as National Salesmen's Week; to the Committee on the Judiciary.

By Mr. FULTON of Pennsylvania:

H.J. Res. 1283. Joint resolution proposing an amendment to the Constitution of the United States extending the right to vote to citizens 18 years of age or older; to the Committee on the Judiciary.

By Mr. CARTER:

H. Con. Res. 670. Concurrent resolution terminating the joint resolution of August 10, 1964, relating to the maintenance of international peace and security in Southeast Asia; to the Committee on Foreign Affairs.

By Mr. GUBSER:

H. Res. 1120. A resolution to set an expenditure limitation to the end that U.S. military forces be withdrawn from South Vietnam by June 30, 1971, and to express the sense of the House of Representatives that U.S. military forces should not be inserted into any nation where such forces are not now located unless specifically approved by the Congress; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. BURTON of California:

H.R. 18256. A bill for the relief of Antonio Wong Campoy; to the Committee on the Judiciary.

H.R. 18257. A bill for the relief of Ciriaca G. David; to the Committee on the Judiciary.

H.R. 18258. A bill for the relief of Lim Yue Kung; to the Committee on the Judiciary.

By Mr. McCARTHY:

H.R. 18259. A bill for the relief of Charles Ahnert; to the Committee on the Judiciary.

MEMORIALS

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

413. By the SPEAKER: A memorial of the Legislature of the Territory of Guam, inviting the Honorable Wayne Aspinall and the Honorable John Saylor to address the Legislature of Guam; to the Committee on Interior and Insular Affairs.

414. Also, a memorial of the Legislature of the State of Florida, relative to the appropriation of funds for cancer research; to the Committee on Interstate and Foreign Commerce.

415. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to minimizing aircraft noise; to the Committee on Interstate and Foreign Commerce.

416. Also, a memorial of the Legislature of the Commonwealth of Massachusetts, relative to the establishment of high-speed railservice between the cities of Boston and New York; to the Committee on Interstate and Foreign Commerce.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

529. By the SPEAKER: Petition of the Marine Corps League, Department of Florida, relative to Southeast Asia; to the Committee on Foreign Affairs.

530. Also, petition of the Legislature of Erie County, New York, relative to the appropriation of funds for cancer research; to the Committee on Interstate and Foreign Commerce.

531. Also, petition of the Common Council, Lockport, N.Y., relative to the appropriation of funds for cancer research; to the Committee on Interstate and Foreign Commerce.

SENATE—*Monday, June 29, 1970*

The Senate met at 9 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

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

Lord of every day and every week, we offer Thee the love of our hearts and the service of our minds for the duration of this Congress. Be with us to guide us and bless us until the last problem is solved and the last prayer is said. Use us as ministers of hope and as emancipators of men imprisoned by superstition, or in slavery to evil passions, or in bondage to fear and injustice. Give us composure of soul and such inner certitude that we turn not back from the holy

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vision. As we expect much from Thee, so help us to attempt great things for Thee.

In Thy holy name we pray. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

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

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., June 29, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

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

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, June 26, 1970, be dispensed with.

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

WAIVER OF THE CALL OF THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

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

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the distinguished Senator from South Dakota (Mr. MCGOVERN), there be a period for the transaction of routine morning business, with a time limitation of 3 minutes on statements therein.

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

COMMITTEE MEETINGS DURING SENATE SESSION

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

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

ORDER FOR ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 a.m. tomorrow.

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

RECOGNITION OF SENATOR HATFIELD, OF OREGON, TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the disposition of the Journal, the distinguished Senator from Oregon (Mr. HATFIELD) be recognized for not to exceed 40 minutes.

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

ORDER FOR ADJOURNMENT FROM TUESDAY TO WEDNESDAY, JULY 1, 1970, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday, June 30, 1970, it stand in adjournment until Wednesday, July 1, 1970, at 9 a.m.

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

ORDER FOR ADJOURNMENT FROM WEDNESDAY TO THURSDAY, JULY 2, 1970, AT 9 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business on Wednesday, July 1, 1970, it stand in adjournment until Thursday, July 2, 1970, at 9 a.m.

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

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, pursuant to the previous order, the distinguished Senator from Rhode Island (Mr. PELL) is now recognized for not to exceed 40 minutes.

Mr. PELL. Mr. President, the United States is at the point at which a critical and difficult national policy decision between two disagreeable alternative courses of action in Indochina must be made. I believe that the choice that faces us must be clearly stated and honestly explained. I urge the administration to do so in order that the choice may be made wisely, deliberately, and honestly.

We may talk about Vietnamization, and delude ourselves into believing that the present South Vietnamese Government can become popular enough and capable of defending itself from its opponents within and without.

But, in our hearts we know the decision is whether we indefinitely shore up an independent South Vietnam with American men and money, accepting continuous drainage on our resources and a continued tearing apart and corrosion of our social fabric. And we ask ourselves whether the price, in terms of our national interest, is worth paying for this first alternative.

The second disagreeable alternative is to get out completely, letting the people of South Vietnam arrive at their own solution, a solution reflecting the realities and political forces in being there, knowing that the result could well eventually be a unified Vietnam under the leadership of Hanoi.

If there were a third, more pleasant and more palatable alternative, I am sure it would have been adopted by our President, who wants to carry out his awesome responsibilities in the best way he can. But I see no third alternative and, seeing none, believe that we must now face up to the difficult decision we have been trying so desperately, and for so long, to avoid. In facing up to this decision, the President is himself locked into an Indochina policy that has acquired its own constituency—and its own momentum. For many of those who surround our President, and who carry out our present policy, have a vested interest in proving the wisdom of present and past policies in order to prove that they were right.

My own belief is, provided that asylum is given those South Vietnamese who might be killed because of our departure and provided that our prisoners of war are returned, our national honor would be preserved and our national interest would be harmed less if we took the second alternative rather than the first.

The validity of this view is, I believe, borne out when we ask ourselves, "Why are we in Vietnam?" It is important to ask that question because as we consider the question of future American policy in Indochina, we often lose sight of the past. Even we in the Senate, who are deeply steeped in this problem, fall into the error, all too often, of not considering the problem of Vietnam, of Indochina, in the context of the past. We fall into the error of forgetting history, thus condemning ourselves to repeat it.

That repetition is easy to see. For example, I note that in the newspaper headlines the "Vietnam war" has now become the "Indochina war." Thus, we are returning to the name by which that conflict was known 25 years ago. Whether this verbal escalation is merely journalistic shorthand, or whether it reflects an actual escalation of the war itself, may be debatable. Certainly it cannot be viewed as progress. And, to many of us familiar with the history of that long and tragic struggle, it is an ominous development.

Let us look at the very name, Indochina. It is of European origin, not Asian. Insofar as it describes a region or group of peoples who have acquired their culture and tradition equally from India and China, the name is a useful designation of a region which has acquired much of its administrative and educational patterns from China and its religious and philosophical outlook from India. But, in the minds of the people who live there, no such composite place exists or ever has existed.

The Vietnamese themselves, who constituted about three-quarters of what became known as Indochina under the French, are a remarkably homogeneous people with a history going back more than a thousand years. When the French moved into Indochina in the last half of the 19th century, they did everything in their power to create and maintain a separation between Tonkin, Annam, and Cochin China, the three regions of Vietnam. The Vietnamese, however, stubbornly remained in their own minds one people. And when they met at the conference table in Geneva in 1954 to formalize their independence, it was as Vietnamese that they insisted upon negotiating.

The other two divisions of French Indochina—Cambodia and Laos—were entirely different. The French imposed their rule on the Vietnamese only through the threat and use of force. In contrast, the rulers of Cambodia and Laos actually turned to France voluntarily. They did so because they sought protection from two traditional enemies, the Vietnamese and the Thais, with whom they had continuing border disputes and a long history of invasion. Or, to use the more current word, "incursion."

The French Union of Indochina was thus actually composed of five nations and three very different peoples. Failure to understand this reality had much to do with the ultimate failure of French policy in what they called Indochina. I sincerely hope that the sudden recurrence of this label in our own vocabulary does not indicate a similar failure of historical insight.

We in the Senate who are charged with constitutional responsibilities regarding our country's foreign policy cannot blind ourselves to the fact that, at this moment in history, our own Government has sent into Cambodia contingents of armies belonging to the two most frequent historic invaders of Cambodia—the Vietnamese and the Thais. And we have done so on the ground that we are protecting one group of Vietnamese from another.

One cannot but wonder how popular these actions really are among the Cambodian people—or how wise they will prove to have been from the hindsight of history.

As to the Vietnamese themselves, there is no reason to believe that they will ultimately be more grateful to us for having thrust them into the arms of the Chinese than the Cambodians will be grateful to us for having thrust them into the Vietnamese. Nothing is more conspicuous in the history of Vietnam than its thousand-year resistance to Chinese aggression. One of the highlights of that history dates back to the 13th century, when Vietnamese soldiers defeated the Mongol armies of Kublai Khan. And as recently as 1946 the Vietnamese had unpleasant experiences with Chinese occupation forces under Chiang Kai-shek.

There can be no doubt that Communist Chinese military and economic aid are today welcomed by North Vietnam. There is room for considerable doubt, however, that the Vietnamese—North or South—would ever consent to become a mere Chinese satellite in Asia. And there is reason for long and serious thought about the extent to which American policy has contributed to forcing North Vietnam into dependence upon Chinese aid in the first place.

We cannot overlook the fact that during the Second World War it was only in Indochina that Europeans remained the masters of Asians. The French colonial administrators, by swearing allegiance to Marshal Petain and the Vichy government of occupied France, were able to maintain their routine administrative system—with Japanese blessing—until March 9, 1945, only 2 months before the German surrender in Europe. Japanese troops had entered Indochina in 1940, but numbered only a few thousand stationed just at strategic points. So far as the Vietnamese were concerned, French rule continued without interruption throughout the war.

However, the Convention of 1946 between France and Vietnam recognized Vietnam as a free, independent state which would be under the direct administration of the Vietminh and Ho Chi Minh in the North and with a referendum to be held by the people of Cochin China in the South. But, in the South, the occupying British general, Douglas Gracey, violated this agreement and released the Japanese so as to safeguard the French from the Vietnamese.

The Vietnamese then began to fight again for their postwar independence; that is, to prevent a full return of the French colonial government. The cold war had not yet begun; the Vietnamese and the rest of the world viewed their struggle for an independent Vietnam as a phase of the revolt against colonial rule which was sweeping Asia after the defeat of Japan. By the time of the Geneva accords in 1954, India, Pakistan, Ceylon, Burma, Indonesia, and the Philippines had achieved their independence. The fighting continued only in Indochina, as it continues today.

In 1954, most of the world, while sympathizing deeply with the plight of France, believed that the Vietnamese had won their fight for national sovereignty. The Viet-Minh were not generally viewed as simply an advance task force of Communist expansionism, although there were some opinions to the contrary. Vice President Nixon said in that year—

> If in order to avoid further Communist expansion in Asia and particularly in Indochina, if in order to avoid it we must take the risk of putting American boys in . . . I personally would support such a decision.

Fortunately, President Eisenhower did not follow his Vice President's advice. We did not commit American manpower to Vietnam. Although we did not associate ourselves formally with the Geneva accords of 1954, which provided that the French would go, we agreed to respect that agreement. We stated "the agreement contains factors which we do not like, but a great deal depends on how they work in practice." We added that, in connection with the accords, the United States would "refrain from the threat or use of force to disturb them."

What were those arrangements? A close reading of the Geneva accords shows a clear recognition by all the parties that the demarcation line along the 17th parallel is specifically a provisional military demarcation line between the areas described as the northern and southern zones of Vietnam. It was also specified that general elections shall be held in July 1956. When these agreements were arrived at in Geneva, the general belief was that these elections might well result in the unification of Vietnam under the leadership of Ho Chi Minh. In fact, President Eisenhower wrote in his memoirs:

> I have never talked or corresponded with a person knowledgeable in Indochinese affairs who did not agree that, had elections been held as of the time of the fighting, possibly 80 percent of the population would have voted for the Communist Ho Chi Minh as their leader rather than Chief of State Bao Dai.

The reason the election would not be held sooner was set forth in the agreement as being "in order to assure that sufficient progress in the restoration of peace has been made and that the necessary conditions be obtained for free expression of national will."

The real meaning of this phrase was that France would be provided a grace period during which her troops would be withdrawn and her presence dissolved so that France and her representatives would not suffer the indignity of being present when their old enemies assumed control. The delay was really a means of helping France save face. In any event, the southern faction refused any participation in such elections unless under United Nations supervision, and this condition was refused by the North and not insisted upon by the French. Nor was there any indication that the United Nations would have accepted such a responsibility. After the agreements were signed, and pursuant to their provisions, some 900,000 Vietnamese including 755,000 Catholics, fled to the southern zone of Vietnam. In this regard, though, it should not be forgotten that there are still 800,000 Catholics living in North Vietnam.

The United States then took an active role in installing the decent, capable, and intelligent Ngo Dinh Diem as the principal administrator to handle the machinery of government in the southern zone of Vietnam. Everybody laid down their arms and the conflict shifted from the field of battle to the political hustings. Diem did an excellent job in administering the southern zone—such a good job, in fact, that the United States became persuaded that the southern zone of Vietnam could be maintained indefinitely as an entity in itself. With the support of the United States, Diem waved aside the general election which had been specified at Geneva on the grounds that the necessary conditions for free elections had not been met. This action immediately precipitated a violent counteraction on the part of Ho Chi Minh and his followers, whose eventual objective was the removal of what they considered the last obstacle to a unified and independent Vietnam.

From this time on America was inevitably and inexorably drawn deeper and deeper into a political and military morass, the same morass which had defeated the best intentions and wisest counsels of other great powers in earlier years. We began falling into all the same traps as the French and, I suspect as did the court of Kublai Khan half a millenium earlier. For example, we were not satisfied with a "neutral" government in Laos under Souvanna Phouma and thus organized a coup which replaced him with a "conservative," Phoumi Nosavan. We first deluged Cambodia with American aid and assistance and then, disenchanted, found ourselves in a position in which some on the American payroll were implicated in a plot to assassinate Sihanouk.

During this time, after the 1956 elections were not held, the North Vietnamese used the eastern portions of Laos

and Cambodia in order to send men and supplies through to strengthen the Vietcong in the southern zone of Vietnam. Applying the law of physics that for every action there is an equal and opposite reaction, our conservative candidate in Laos was soon ousted and we considered ourselves lucky to have our old foe, Souvanna Phouma, back in place rather than his leftist half brother, Prince Souphanouvong, head of the Pathet Lao. In Cambodia, Sihanouk asked that we cease sending American aid to his country; a request which, in a peculiar Alice-in-Wonderland way, we somehow interpreted as a hostile act. I should note, parenthetically, that I strongly disagree with our reaction on this score. I think that the sooner we realize that not to interfere means not to send in military and economic assistance, rather than vice versa, the better off our Nation and, particularly, our unfortunate taxpayers will be.

As the years went by, two Democratic administrations escalated the conflict. There were 600 Americans in Vietnam when President Kennedy took office; there were 16,000 when he died, although none were involved in direct combat.

It is a moot point, but we might ask ourselves if President Kennedy would have continued to escalate our involvement if he had not been assassinated. On September 2, 1963, not long before he was killed, President Kennedy said of our involvement in South Vietnam:

> In the final anaylsis, it is their war. They are the ones who have to win it or lose it. We can help them, we can give them equipment, we can send our men out there as advisors, but they have to win it, the people of Vietnam, against the Communists.

But President Kennedy was killed, and President Johnson continued the escalation to the extent that when President Nixon took office in January 1969, we had 532,500 men committed to that sweltering arena. President Nixon improved the situation substantially. In the course of a year and a half, he withdrew 104,450 men, and the level of violence and casualties declined. His policy of "Vietnamization" seemed to gain wide acceptance in the United States, although I must add that some of us with a long view of history were and still are skeptical.

Speaking as an American parent, Vietnamization is, of course, an improvement over past policies in that it means the substitution of Vietnamese fighting soldiers for American fighting soldiers. But Vietnamization does nothing to change the fact that the war in Vietnam has become increasingly a war of American objectives rather than of Vietnamese objectives. The principal American objective is to prevent the unification of Vietnam under Communist rule. To save the southern zone of Vietnam from this fate, we have been willing to destroy as much of the country as may be necessary. I am reminded of Tacitus' words, "We made a desert and called it peace." We are now concerned, too, about the bloodbath that might occur if we left, as I believe we should be. But, from the viewpoint of the unfortunate Vietnamese, to be burned to death by napalm or otherwise dismembered by B–52 bombings is just as disagreeable and deadly as having their throats cut by the Vietcong. We should remember that we have already dropped a greater tonnage of bombs on the little country of Vietnam than we dropped everywhere in World War II and in the Korean war combined.

After taking office President Nixon certainly "cooled" the situation in Indochina and improved it. He had improved it, that is, until April 30 when he announced the invasion, or—as it has been characterized—the incursion, into Cambodia. There is, of course, a military argument for this invasion, but that argument was as valid 5 years ago as it is today. The military facts of Indochina were as apparent to Presidents Kennedy and Johnson as they are to President Nixon. Yet the two previous Presidents compromised in Laos and respected Cambodian neutrality for the simple reason that they knew that the ultimate result of any armed initiative in these countries could only mean the enlargement of the war.

Several months ago, a nonmilitary factor changed—Sihanouk, who had been following a more or less neutral policy, was replaced by Lon Nol and a pro-Western government in Cambodia. Our eagerness in rushing to aid Lon Nol reminds me of a marvelous line from Art Buchwald's "Sheep on the Runway": "We want neutral nations as long as they are in the Western camp." Unfortunately, Sihanouk's Cambodia was a neutral nation that did not measure up to this requirement. Many people were surprised at the intensity of public reaction to the American and South Vietnamese invasion of Cambodia. It was not a large operation. It made some military sense tactically, although strategically I believe it will prove to have been against our long-term national interest. Our action not only automatically enlarged the war into Cambodia itself, but also spread it into the new dimension of the sea where a de facto "selective blockade" was applied to the Cambodian coast.

Our invasion of Cambodia was like fighting an oil fire with water, for we have not put out the fire, but have spread the conflagration. Our military gains in Cambodia, whatever they prove to be from a tactical viewpoint, may ultimately prove disastrous. We are exchanging short-term gains for very possible long-term catastrophe. A conflict that had been largely confined, through restraint on all sides, to Vietnam and the areas bordering on it now threatens to engulf all of Indochina—Cambodia and Laos as well—with all the reopening of ancient enmities which that implies.

If we embark seriously on a campaign of eliminating enemy sanctuaries, we will be committing ourselves to an ever-widening war on the mainland of Asia. Should we commit our combat forces to Laos, to attack the Vietcong there? Should we send our troops across the DMZ to attack "sanctuaries" in North Vietnam? And having done that, are we prepared to attack "sanctuaries" in Communist China? The lesson, it seems clear to me, is that in pursuing the enemy across international boundaries, we would be pursuing a chain of sanctuaries that leads finally, not to peace, but to total war. That is why I say that such a policy would be disastrous.

From a reverse viewpoint, I most certainly would oppose the right of North Vietnam's allies, China and the Soviet Union, to attack the sanctuaries from which our bombing planes fly, either our airfields in Thailand or our aircraft carriers in the South China Sea.

From the constitutional viewpoint, many of us in the Congress became very concerned when the President, uninvited, marched our servicemen over the borders of a nation without consulting with the Congress. This action was unprecedented in our history. A close reading of the Constitution and of the Federalist papers makes it clear that the President, as Commander in Chief, has unlimited powers in directing the conduct of a war. But in declaring war or, I believe in expanding war to cover new countries, the Congress has a constitutional role.

Our Founding Fathers very sensibly planned for this division of power as a safeguard for our Nation. One branch of Government, the Congress, could make laws and declare war. Congress was not given power to wage and direct war. Another branch of Government, the executive, which has the responsibility for executing, or carrying out the laws Congress passes, was given the power to wage and carry on war. But, the executive was not given the power to declare or commit us to war. These provisions of the Constitution mean that unless both the Congress and the President believe war is necessary, the United States cannot make war legally.

Now what should we do in the future? First, we must determine what is our true national interest. As Palmerston once said:

> We have no eternal allies and we have no perpetual enemies. Our interest are eternal and perpetual and those interests it is our duty to follow.

I submit that our national interest would best be served by our withdrawal from Indochina. If our withdrawal resulted in a unified Vietnam, even if under Communist rule, our national interests would be better served than by the alternative course of our remaining there indefinitely to shore up an independent South Vietnam with all the resultant damage to our Nation and our Health and educational priorities at home. Moreover, a unified Vietnam would serve as a relatively firm barrier to Chinese expansion. Actually, our history has shown that we are better off—and certainly our taxpayers are better off—with neutral countries rather than with vulnerable, mushy allies unable to survive without American assistance. And, in my view, South Vietnam certainly meets the latter description.

From a military viewpoint, I think we have come to recognize that the war is unwinnable within the framework of the political situation as it is. We can destroy every young North Vietnamese soldier only to find an inexhaustible supply of manpower in China waiting to be invited to replace them.

From an economic viewpoint, while it

is sometimes argued that the interests of our industrial-military complex are so basic to our Nation, are so woven into the fabric of our national structure, that diminution of our war efforts would result in collapse of our economy and be against our national interest, our history does not show that. Peace would bring economic change and uncertainty. But our periods of greatest real economic growth as a Nation have been in times of peace. Actually, our present economy with its escalating inflation, escalating interest rates, escalating unemployment, escalating deficit, and escalating unfavorable balance of trade is not in too hot shape.

In determining our national interest, we must be guided by our obligations. An obligation into which we have freely entered and which was not honored would obviously be a dishonorable action on our part and abhorrent to us. From a nation interest viewpoint, the value of our word among nations would be cheapened.

But what are our obligations under the Southeast Asia Collective Defense—SEATO—Treaty? That treaty states that in the event of armed attack on any of the nations involved, each nation "will in that event act to meet the common danger in accordance with its constitutional processes." The treaty further states that in the event of any other danger to the integrity, sovereignty, or independence of the designated countries we shall "consult immediately in order to agree on the measures which should be taken for the common defense."

When my predecessor, Senator Theodore Francis Green, pressed Secretary of State John Foster Dulles on our precise obligation under this section, Secretary Dulles said:

> If there is a revolutionary movement in Vietnam or in Thailand, we would consult together as to what to do about it because if that were a subversive movement that was in fact propagated by communism, it would be a very grave threat to us. But we have no undertaking to put it down; all we have is an undertaking to consult together as to what to do about it.

I would agree that we had an obligation to give the people of South Vietnam some support, both in materiel and in manpower, to help them get established since we had installed a separate government there. But after having 50,258 Americans killed and 278,814 Americans wounded there and spending more than $100 billion, I believe that our obligation has been more than met.

In terms of my own State of Rhode Island, the war has cost the irreplacable lives of 142 young men. It has also cost our Rhode Island taxpayers $649 million since 1965. This means that Rhode Islanders are continuing to foot the bill for the war in Vietnam to the tune of $296,000 every day.

I believe, however, that we do have an obligation to those South Vietnamese who sided with us, whether for reasons of cupidity or patriotism, and would suffer if we left. There is some question as to how many people would actually suffer if South Vietnam came under Communist administration. The example is often cited of Hue, which after having been occupied by the North Vietnamese was found to have mass graves with many bodies in them. We had assumed these people had been shot by the North Vietnamese, although a story has surfaced to the effect that our bombing and razing of a great portion of Hue resulted in many deaths and that these victims, too, were buried in the same open trenches.

In any case, I believe that many individuals would suffer if we left and did not provide them with asylum. For this reason, I believe that we should, preferably in association with the United Nations, make provisions for asylum in other countries for any South Vietnamese who wishes to take refuge. Here, as I have suggested before, Borneo, with its geographic closeness, its climatic similarity and its lack of population, might prove to be a good place for many of these South Vietnamese to settle.

If this did not work out, then some other resettlement plan should be worked out, preferably in association with the United Nations. Actually, a large number of South Vietnamese have already made accommodations with the Vietcong, and many of the rich South Vietnamese reportedly already have bank accounts and even property abroad.

The basic problem today, as I see it, is that the administration has not made up its own mind regarding the basic choice it faces—whether it is more in our national interest to withdraw all our troops, even if this action results in the eventual unification of Vietnam under Hanoi; or whether it is more in our national interest to maintain the division of that country, even though we would have to leave a large garrison there in order to do so.

We have taken the second choice in Korea, and it has worked. But that is a very different situation. South Korea has a government that is strong and respected by the people who are, themselves, remarkably unified in their opposition to North Korea. The strategic situation, too, is very different in that the whole of South Korea, a peninsula, is accessible from the sea and there is a relatively narrow land boundary which separates the North from South Korea. And we had and have United Nations approval and support of our own actions there. On the other hand, in South Vietnam, the government does not enjoy the support of its people, the hostile land frontiers are longer than the sea frontier and, except for token Australian and New Zealand forces and for various mercenary troops, we have little world support—and no United Nations support.

I believe that there is only one way to get out of Southeast Asia, and that is to accept the fact that the damage caused by our continued military presence there to our true national interests and to our economy and social structure far outweighs the questionable advantages that result to our national interest by maintaining the Thieu-Ky government in South Vietnam or even of maintaining the division of Vietnam into two countries. When we have accepted that fact, we should firmly carry out the resulting decisions as best we can, recognizing, as France did in 1954, that the decisions may well result in a unified Vietnam under Hanoi.

If the President and the executive branch will not make this decision, then I believe we in Congress should make it and require the executive branch to implement it. It would be more orderly if the President made it himself, but if he does not, then we in Congress who feel as I do have no alternative but to support the McGovern-Hatfield "End the War" resolution or a similar one.

The ideal solution would be to return to the Geneva accords. However, the North Vietnamese have been let down by the West in honoring these accords, and I would imagine that they would seek to drive a harder bargain now. For instance, they might well demand a firmer timetable for our departure than they did of the French. And this in spite of the fact that the French were soundly defeated on the field of battle, while we have most definitely not been defeated on the field of battle. My own view is that the most dignified and honorable way of extricating ourselves from South Vietnam and serving our own interests would be to establish the timetable ourselves.

I am impressed by the suggestion of former Secretary of Defense Clark Clifford, a man who knows the situation as well as anybody, that we establish such a timetable with a provision that we would speed up our withdrawal if the North Vietnamese cooperated. The only two firm requirements for our departure should be the release of our prisoners of war and asylum for those South Vietnamese whose lives would be endangered by our departure.

Many friends of mine have written and urged me to back the President, saying that he is our only President, that he knows more of the situation there than any of us, that he is trying to do the best job he can, and that we should back him and our country, right or wrong. But as a man who has been in the Senate for 10 years, who has been sitting on the Foreign Relations Committee since 1964, and who, for some years now, has been in favor of withdrawing from this war, of deescalating it rather than escalating it, I would reply with the words of Carl Schurz: "My country right or wrong. But, when right, to keep it right, and when wrong, to put it right."

I suggest the absence of a quorum.

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

Mr. HATFIELD. 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. HATFIELD. Mr. President, I wish to take this occasion to commend the Senator from Rhode Island on a brilliant and calm presentation of a very complex and emotional subject; namely, the war in Southeast Asia.

I think that from time to time it is very important for us to put this matter into historic perspective. We tend to act or react to the events of the day, rather than to see the situation in its totality or in its historic perspective. The Senator from Rhode Island has done a great service to the Senate by recounting the events

which led up to our present involvement in Cambodia.

I should like to ask the Senator a question or two on a subject which he discussed in his presentation relating to what is commonly assumed will be a blood bath if the United States should withdraw or when the United States withdraws.

Would the Senator not agree that is rather an unchallenged assumption that should be carefully analyzed especially in light of the relative troop strengths that exist on the two sides? I refer specifically to the fact that, according to official figures that we get, at most about 220,000 Vietcong, National Liberation Front, and North Vietnamese are involved in the fighting in South Vietnam, and that they are backed by an additional 400,000 members of the North Vietnamese Army, in North Vietnam. On the other side, at least 1 million South Vietnamese troops are under arms supplied by the United States and are supposedly pretty well trained by American personnel.

Would the Senator not agree that in light of this balance of power, that certainly is to the benefit of the South Vietnamese, a blood bath subsequent to American withdrawal is a scare tactic, or might be called a scare tactic, used by those who would like to see this war continued, or would like to see American involvement continued?

Mr. PELL. The possibility of a bloodbath is a contingency; but as we withdraw, I think we have to face up to the worst possible effects of our withdrawal which it should certainly include such a contingency.

This is what I have sought to do in my presentation today. One of the worst possible effects would be a bloodbath. There is no absolute certainty that there would be a bloodbath. As I have noted it appears there is a possibility that some of the people buried in the trenches at Hue may well have been killed by American bombs, so those deaths may not be clear evidence in themselves that a bloodbath would ensue.

But in the light of the experiences that China underwent when it was Communized, and on the basis of my own observations while serving as an American Foreign Service officer in a country when the Iron Curtain went down and the Communists took over, I feel one must recognize that in such cases a great harshness descends on the land. In some cases, people's property is expropriated while they are allowed to survive; in some cases they are sent to jail and bestially treated, and in some cases they are simply killed. I do not know in which of these categories South Vietnam would fall. But in case a bloodbath appears likely, I think we should be prepared for that contingency. I think there is a good chance it would not occur, but the possibility has to be accepted.

Our withdrawal would not mean that Vietnam would automatically be unified under Hanoi. As the Senator has pointed out, Saigon has vast resources and a large army of its own, and, under a popularly respected government, South Vietnam might be able to maintain its separate status.

But I have sought to follow the line of responsibility in recognizing the worst possible contingency that could develop if we withdrew. I think there is a possibility that the country would be unified under Hanoi; but I think, even so, our best interests would be less harmed by our withdrawal than by remaining. To answer the Senator's question, it is a matter of contingencies, but we must prepare for the worst contingencies and hope that they will not occur.

Mr. HATFIELD. Does not the Senator also agree that those who raise this question oftentimes recognize, even though they may not say so, that it takes more than military power to create a viable society and government behind which people are willing to unite and fight; that even though South Vietnam has a great superiority of equipment and manpower, both numberwise and equipmentwise, there may be a political element lacking in this whole matter of maintaining an independent Thieu-Ky regime after American withdrawal, the political element being that perhaps the South Vietnamese people have not sensed a cause for which they are willing to fight and give their lives, and that, after all, this perhaps is more of an American cause that has been superimposed from the outside, which has not really any deep roots of support from within?

Mr. PELL. I think there is very great merit to what the Senator says. Originally there was a Vietnamese cause here, but the American cause, the American emphasis, the American objectives have gradually taken over what was in fact originally a civil war. So, by the same token, given a government that has the support of its people, one does not have to worry so much about its stability. That government might not be a democracy. I think we are very wrong in feeling that our form of government, or a democratic form of government, even, is what every nation should have. There are governments around the world where they have paternal despotism and other kinds of government, where the people accept it and work within it as much as they can, and make do; and sometimes we find they would not particulraly want to change it.

We have a good example of that in Portugal, where we have not had anyone executed or tortured for political reasons for 30 or 40 years, under the government of Salazar and now of Caetano.

I think if there were a more crushing hand, the people would have risen. But what has the government of Portugal done? It has recognized the various political forces in being, and has worked with them. Where you do not have a government that accepts the political forces in being, then I think a country is destined for trouble, and this is what has happened in the southern zone of Vietnam, more commonly called South Vietnam.

Mr. HATFIELD. Mr. President, I think the Senator has put his finger exactly on the target when he says we seem to proceed under the assumption that every country wants to be exactly like the United States. We seem to have a sense of mission, that we want to go around the world creating little Americas, molding everyone in our own image; and actually we attempt to do so, oftentimes, with ignorance of the cultures, the histories, the languages, and all other elements that make up another society or another people, and we, as I say, just sort of assume that they all want to be like us.

I recall that when I was with the U.S. Navy in Hanoi in 1945, it was at a time when Ho Chi Minh had just raised the flag of Vietnamese independence over the city hall. Ho Chi Minh had been our ally in the Pacific during the war against Japan. We were in Hanoi at that particular time to pick up some of Chiang Kai-shek's troops, to take them up to north China to fight the Chinese Communists.

I recall very vividly that the people at that time were enthusiastically behind the Ho government. We were cheering the Ho government; they were our ally. It was not a hammer and sickle that was flying over the city of Hanoi. On the day I was in Hanoi, it was a flag of Vietnamese nationalism flying there. Those people sensed a time in their lives when they had achieved a goal of independence from all foreign intervention—French intervention, Japanese intervention, and Chinese intervention. I think sometimes we fail to recognize the history of a people who resent any intervention from the outside, including that of the United States.

I believe that putting, as the Senator has this morning, this whole picture into the perspective of history, could be very helpful for a better understanding of why we have had to spend more than 40,000—almost 50,000—American lives and $140 billion, why the French lost 100,000 troops there trying to establish that country's control, ending the debacle at Dienbienphu, and why we are never going to achieve the kind of victory the American people have called for or would like to see us achieve, or that even the President has talked about, until we first of all confront the history and the events leading up to this particular day.

When we do that, I think the American people will see that our presence there is futile, that our presence there will achieve no purpose, and that, at the present rate of Vietnamization, it will cost us as many as 10,000 more American lives and $40 billion or $50 billion more, and I feel that it is not worth the cost, that it is not worth one American life, when we face this situation.

So I personally am very happy to see the Senator from Rhode Island present his comments this morning. I am only hopeful that they can be distributed far and wide, that not only Senators, but all Americans, can read this statement, because it is a calm and accurate statement, one that comes from his experience on the Senate Foreign Relations Committee and from long concern over our involvement on the part of the Senator from Rhode Island. I think when the Senator from Rhode Island speaks, he speaks with great authenticity. Therefore I am very grateful to the Senator for his presentation this morning.

Mr. PELL. I thank the Senator.

The ACTING PRESIDENT pro tempore. The time of the Senator from Rhode Island has expired.

At this time, under the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is recognized for not to exceed 20 minutes.

THE CREDIBILITY OF THE PRESIDENT

Mr. YOUNG of Ohio. Mr. President, one argument being heard these days in the debates over the Senate attempt to reassert its constitutional authority to declare war is that such actions might reduce the credibility of the President.

Apparently, leaders of the administration need no help to reduce the credibility of President Nixon. During the week of May 15, White House officials asked a group of reporters, including James Reston of the New York Times, "not to embarrass the Government by printing the details" of the U.S. air raids over Cambodia, Laos, and North Vietnam the previous weekend. President Nixon tried to keep the raids a secret from the American people, but they became known by news dispatches from Hanoi.

Such actions on the part of a President and of officials in the Pentagon certainly do nothing whatever to enhance the credibility of the administration in the eyes of the general public.

Mr. President, the only person who can control the credibility of President Nixon is the President himself.

BRING OUR BOYS HOME FROM KOREA

Mr. YOUNG of Ohio. Mr. President, approximately 19 years have elapsed since American soldiers and soldiers of Turkey and other friendly nations were engaged in combat in Korea, fighting under the blue flag of the United Nations. Today, there are approximately 60,000 American GI's, marines, and airmen stationed in South Korea, most of them along the demilitarized zone on the 38th parallel separating South Korea and North Korea.

Earlier this month, officials of the North Korean Government boasted that an American ship had been sunk in North Korean waters. State Department officials were quick to deny that any U.S. vessels had been operating in the area, and claimed that the lost ship belonged to South Korea. Yet, the North Koreans achieved the desired propaganda impact. Once again our extensive involvement in Korea has placed us in a preposterous and embarrassing position in the capitals of the world, particularly in the capitals of Asia.

Except for a few advisers and observers, all our troops should have been returned to the United States years ago, and certainly every one of the combat troops should be returned to the United States as soon as possible within the next few months. They should be returned by planes and ships, in the same manner they were sent there.

In the years following the Korean conflict, there was justification for our continuing a strong military presence in South Korea. It was obvious that the Armed Forces of South Korea at that time and for possibly 5 years thereafter would by themselves have been unable to repel a second attack from the north.

However, Mr. President, we have continued our presence in Korea far longer than necessary. The South Koreans are now capable of defending themselves.

The fact is that today South Korea has a regular army of 550,000 well-trained men, the fifth largest standing army in the world. North Korea has a standing army of but 350,000 men. There are 17,000 men in the South Korean Navy and only 9,500 in that of North Korea. South Korea has 30,000 men trained as marines, while North Korea has none. In addition, the reserve forces of South Korea number more than 2 million men who drill at least twice a week. North Korea has a reserve force of but 1,200,000 men. The Republic of Korea—ROK—standing army and reserves are well equipped with the most modern weapns.

The only category of arms in which North Korea exceeds South Korea is in its air force of 25,000 men and 590 combat aircraft. The South Korean Air Force is composed of 23,000 men with 215 combat aircraft.

South Korea is the only nation in the world to provide susbtantial armed forces to assist us in Vietnam. More than 53,000 Republic of Korea soldiers are now fighting in Vietnam alongside our forces. According to our military experts, they have fought hard and well. I reviewed the Tiger Division over there, and I know that they are fine combat troops, from my own observation. Many South Koreans have been killed and wounded in combat in South Vietnam. The famed ROK Tiger Division has earned the respect of its allies and foes as have other units in the ROK Armed Forces now in combat in South Vietnam.

Of course, these troops were transported to South Vietnam on American ships and planes and are maintained there entirely at the expense of American taxpayers. South Korea, in reality a client nation of the United States, was given hundreds of millions of dollars in addition to military and economic assistance as a quid pro quo for helping maintain the Saigon militarist regime of Thieu and Ky in power.

Since 1951, the United States has given more than $3 billion in military assistance to South Korea. In addition, we have given $4.6 billion in economic aid to that country. Its increasing prosperity is in large part a result of our help.

Mr. President, on two occasions in recent years I had the opportunity to visit South Korea. I visited with our GI's along the 38th parallel at Panmunjom and elsewhere and saw myself the hard conditions under which they live during their tour of duty. Very definitely, it is no longer necessary that we continue to maintain any armed forces in South Korea in view of the present strength of the South Korean military forces.

Furthermore, South Korea with 31,200,000 people is twice as populous as North Korea with its 13,300,000 people. The economy of South Korea is booming and the degree of its economic growth is tremendous as compared to that of North Korea, a poverty stricken, backward nation, and, as a matter of fact, as compared to the United States.

President Nixon has pledged to withdraw another 50,000 American troops from South Vietnam in the next few months. Hopefully, all U.S. troops will be out of Southeast Asia within the next year and our involvement in that immoral, unpopular civil war ended.

At that time, and it should be this year, the 53,000 South Korean troops we are supporting and maintaining in South Vietnam will also be returned to their homeland. There can no longer be any justification whatever for our continuing to station thousands of young Americas in South Korea. They should be returned home immediately.

South Korea has the military and naval strength to defend itself against any possible attack from the north. In the very unlikely event of that occurring, our warplanes stationed in Japan and Okinawa are only a few minutes distant from Korea and could readily come to the assistance of the South Korean Air Force, if that assistance were required.

Mr. President, administration officials, particularly those in the Defense Department, should begin immediate planning for withdrawal of our forces from South Korea. This would be an important first step in reducing tensions in the Far East, in determining just what are our vital national interests in that part of the world and in the reevaluation of our entire Asiatic policy which must and will result with our disengagement from Vietnam.

The U.S. military presence in Southeast Asia should have been ended long before now. With the armed forces of the Soviet Union and Communist China fighting each other sporadically along their common border of more than 6,500 miles there is no longer any valid fear of a huge monolithic threat of aggression in Southeast Asia from the combined forces of the two great Communist powers, if there ever were basis for such fear.

Mr. President, the United States does not have a mandate from Almighty God to police the entire world. We saved South Korea from Communist aggression. That was done while President Harry S. Truman—one of our greatest Presidents—was Commander in Chief of our Armed Forces, and he ordered that done under the auspices of the United Nations. The soldiers of Turkey and other countries represented by the United Nations fought beside our troops in Korea under the blue and white flag of the United Nations. But the heads of state of those countries today are embittered toward the United States because of what we have done and what we are doing in South Vietnam.

In the years since, we have assisted and enabled that country to have the power to defend itself against any possible future attack. It is time for South Korea to stand on its own two feet.

In 1950, Gen. Douglas MacArthur came over from Japan at the direction of President Harry Truman and assumed command of the United Nations forces

against the invading North Koreans. He led the landing at Inchon, winning a splendid victory, and the North Korean forces retreated above the 38th parallel.

General MacArthur divided his forces making a two-pronged attack with a mountain range in between. The North Koreans were driven back and General MacArthur, disregarding orders from President Truman, moved our forces north, close to the Chinese border. Military intelligence informed him that the Chinese would not intervene in the Korean conflict. That military intelligence proved 100 percent wrong as has often been the situation. Hundreds of thousands of Chinese soldiers crossed the Yalu and attacked our troops. Our forces fought valiantly against the horde of ground forces of Communist China who successfully drove back both columns of our Armed Forces so imprudently divided.

Our divided armies were driven back with great slaughter. The bitter war waged under the auspices of the United Nations, instead of ending triumphantly following clearing out invaders of what is now the entire area of South Korea, resulted in a stalemate. It was later settled with armistice negotiations at Panmunjom which brought an end to large-scale fighting.

Very definitely we should several years ago have reduced our Armed Forces in Korea and I assert that before October we should certainly bring back to the United States all of our combat soldiers now stationed in South Korea.

May I add that in the remote event the North Koreans were to attack our Embassy in Seoul, South Korea, or take any other action against the United States, we have our warplanes on carriers in the China Sea and stationed in Japan and Okinawa, a few minutes distant in flying time from North Korea.

But, Mr. President, there has never been any threat, any indication, any hint, of any aggression on the part of North Korea against us.

Mr. President, I yield the floor.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. BAYH). Under the order previously entered, the distinguished Senator from Maryland (Mr. MATHIAS) is now recognized for 20 minutes.

VIETNAM PEACE PROPOSAL

Mr. MATHIAS. Mr. President, the last 2 years have brought a succession of American and allied military triumphs in South Vietnam. Today, as our troops, rewarded with the spoils of battle, withdraw from Cambodia, United States and South Vietnamese forces in Vietnam hold their strongest military position since the war began.

The North Vietnamese armies exposed to combat in the south last year were severely beaten. In the past month, moreover, they lost a sizable proportion of their supplies in Cambodia. The Vietcong, once in control of a majority of the South Vietnamese people, now are said to be restricted to areas occupied by only an estimated 10 percent of the population.

As a result, the Vietcong have been driven to ever more extortionate methods in gaining sustenance from the peasants they still control. The new Vietcong tactics together with the death of Ho Chi Minh, the one Communist leader widely known and respected in the south, appear to have significantly diminished Communist support among the rural South Vietnamese.

The North Vietnamese have responded to this situation by abandoning their previous calls for early victory and by returning to the rhetoric and tactics of prolonged guerrilla struggle. As part of this shift, they have initiated a campaign of assassinations against pacification officials, similar to their selective killings of village leaders in 1958 and 1959. In recent months more than 1,000 officials have been assassinated.

In a sense, therefore, our military victories have restored the conditions of the late 1950's which prompted our intervention in the first place. To be sure, the Vietcong do not now command the popular support they enjoyed against the regime of President Ngo Dinh Diem. But they seem to have resumed a long-term guerrilla strategy like the one that finally incapacitated the Diem government.

Regardless of the improved military position of the allied forces, however, the prospects for peace seem as dim as ever. Both sides took significant initiatives last year—revising their negotiating positions and deescalating their military tactics—but no real transactions were achieved in the talks. Now the chief Communist negotiators have left Paris and the United States is represented by a professional team which is both experienced and skilled, but which lacks the charisma of a figure immediately recognized in the world arena, and therefore with a mandate which is realistically limited to the next cable. The North Vietnamese, even as they resume in the south the Maoist tactics of prolonged struggle, are being lavishly praised in Peking. The influence of Moscow, considered instrumental in gaining Hanoi's participation at Paris, seems correspondingly diminished.

The war, almost won by allied forces in South Vietnam, in strict military terms, is meanwhile being expanded throughout Indochina. The polarization within Vietnam's neighbors which began in Laos has extended to Cambodia. Prince Sihanouk, once a practioner of delicate neutralist maneuvering, has emerged as a front for a new Communist military campaign in his own and neighboring countries.

These developments seem to have eclipsed the hope for fruitful negotiations in the near future. Yet, if an early peace is to be achieved, if the killing is to end, if our prisoners of war are to be recovered—if a geographically expanded repetition of the Vietnam syndrome is to be avoided—talks are imperative.

The fundamental and undeviating aim of U.S. policy must be to end the fighting and negotiate for our irreducible interests. These interests are not promoted by continuing the war. The release of prisoners, for one crucial example, cannot be achieved through military action—only through negotiations.

Nor can the territorial integrity of Laos and Cambodia be maintained by continued fighting within their borders. Only a regional settlement can offer any hope at all of protecting these precarious nations. Because they are relatively unimportant politically and economically, they may be unmolested in peacetime. As long as the war continues, however, Laos and Cambodia remain military prizes and their independence will be in jeopardy.

The containment of China moreover, is not promoted by continued devastation of the countries near its borders. Ultimately, China can only be contained by a thriving Southeast Asia. North Vietnam, with its strong nationalist and anti-Chinese tradition, must play a part.

All our key goals, thus depend on a negotiated peace. But we must recognize today that the positions of both sides prohibit productive talks. The Communists will not negotiate as long as we refuse to suspend offensive military activity against them and commit ourselves to a timetable for the total withdrawal of American troops. The U.S. position, on the other hand, has been that only unremitting military pressure can induce the Communists to talk. For several years, this approach has failed to produce results.

As a way out of this impasse, I would like to propose the application of two concepts which have proved useful in the past in quite different ways and circumstances.

One is the GRID plan advocated in 1966 by a group of Republican Congressmen of the House, including myself. GRID stands for graduated reciprocal identifiable deescalation. This proposal was conceived in 1966 as a way of stopping the bombing of the North—zone by zone—in exchange for identifiable but not necessarily declared steps of reciprocation by the Communists. Columnist Charles Bartlett has reported that the GRID plan was the basis of President Johnson's limited bombing halt.

Regardless of its origins, this approach of graduated deescalation—even if uncertainly pursued—did eventually lead to the opening of negotiations. The maintenance of military pressures, on the other hand, has brought no discernable progress in the talks. The broad concept of gradual deescalation should be tried again now.

For the specific mode of application of this approach to peace, I think it may be illuminating to turn from the GRID concept and consider the premises of one of our most controversial offensive military techniques: the free-fire zone. For years we have designated certain restricted areas of Vietnam for relatively unrestricted military activity. After issuing warnings designed to clear the region of all noncombatants, we issue orders authorizing attacks on all remaining persons and targets.

According to many reports, including Jonathan Schell's lengthy eyewitness accounts in the New Yorker, this practice has often been abused. The warnings are often faulty and the firing all too free. The alleged massacre at Song My, for

example, was an illustration of the free-zone fallibility and consequent liability to final policy objectives.

Nonetheless, the fundamental concept of following policy declarations with corroborative military action is not without useful possibilities. In a different form, it may be applicable as an interim measure in the quest for peace.

I am proposing that we reverse the concept of free-fire zones and create areas of ceasefire that might be called fire-free zones. The United States would pledge to cease combat operations in a specified area if the Communists would also observe a ceasefire. The plan's success in one area could lead to its gradual extension throughout South Vietnam.

This approach would be easier for both sides to accept than more comprehensive peace plans. To minimize risks, the zones for ceasefire would be chosen with the advice of appropriate military authorities. Vietnamization could continue and our negotiating position would not necessarily change in the early stages. The Communists, on the other hand, could acquiesce in a limited fire-free zone without any dramatic renunciation that would be politically impossible for them.

Nevertheless, as the fire-free zones were extended, the nature of the conflict would change; killing would diminish and local political agreements might become possible. Ultimately the climate for a general settlement would improve.

To date the administration has attempted to promote negotiations by simultaneously enhancing the allied military position and making concessions in our negotiating terms. Designed as two complementary tracts to a resolutions of the conflict, this pedagogic approach seems instead to have nullified itself. The military activities entailed by Vietnamization—and the resulting military advantages—have reduced the Communist interest in negotiations. The bad boys refuse to take their punishment gratefully. The Communists, moreover, have also decided to Vietnamize the war in the South—avoiding direct confrontation with American forces—and have initiated major new campaigns in Laos and Cambodia. It seems clear, therefore, that the attempt to simultaneously blandish and intimidate Hanoi has failed.

What is needed now is a new move by the United States aimed at reducing the scope of the fighting and thus improving the climate for resuming serious negotiations with the Communists. Our primary concern—as the President has often stated—is to protect our troops during the coming period of relatively rapid withdrawals. In recent months we have defended our troops through protective reaction strikes in the North and against the Cambodian sanctuaries. Now I propose we protect them by a combination of diplomatic overtures and military stands.

This cease-fire aproach, seeking an end to the conflict, would as much as possible reform, renew and revitalize the Vietnamization policy. Although the current policy undoubtedly intends that American participation should diminish, it seems also to entail a conflict with broader geographic scope, great political polarization, and thus possibly a greater U.S. stake in the outcome. With American interests still so deeply involved and the war continuing, total withdrawal becomes unlikely.

The graduated cease-fire program I am proposing would be accompanied by serious diplomatic initiatives. We should begin by refurbishing the American delegation to the Paris peace talks, either by conferring signal honor on the career foreign service officers there or by naming a widely known team captain. Our objectives should be to replace an approach which has seemed to tend toward regional polarization, with an attempt at neutralization.

We should attempt to create conditions for negotiations among the interested parties in Vietnam. We cannot conduct these negotiations for them. But we can restrict the conflict as much as possible to Vietnam and create the conditions of American withdrawal under which any settlement must endure. I believe that a graduated cease-fire program—fire free zones—such as I am proposing today is one promising step in this necessary process.

These measures in Vietnam and Paris should be accompanied by an unflagging effort in the Congress to assume its constitutional responsibilities with relation to the Vietnam war. In the near future I hope there will be other new proposals to engage both the President and the key congressional committees in a cooperative effort to develop new legislation regarding troop withdrawals. A graduated cease-fire in Vietnam, however, would be a useful complement to all current congressional proposals to end the war, including programs for a comprehensive stand still ceasefire throughout South Vietnam. I hope that this limited initiative will be closely appraised in the executive and that, regardles of division on the nature of the settlement to be pursued, the country can unify behind the principle that the killing must stop.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order the Chair recognizes the junior Senator from South Dakota for a period of 15 minutes.

McGOVERN-HATFIELD AMENDMENT TO END THE WAR

Mr. McGOVERN. Mr. President, on April 29—the day before the Cambodian invasion—I introduced with the cosponsorship of Senator HATFIELD a legislative proposal calling on the Congress to exercise its constitutional prerogatives by voting on a plan for the systematic withdrawal of all U.S. forces from Indochina. On May 5, Senators CRANSTON, GOODELL, and HUGHES after suggesting certain modifications in the amendment, joined as consponsors. Now the amendment has 25 Senators of both parties as cosponsors and numerous other Senators have indicated their support.

We discussed with Majority Leader MANSFIELD the means which should be employed to bring this issue to a vote on the Senate floor. He foresaw an orderly procedure through which the Senate would first consider the Church-Cooper amendment, then the Mathias resolution repealing the Gulf of Tonkin resolution, then another resolution by Senator PERCY aimed at clarifying the constitutional division of war powers between the executive and legislative branches, and finally our so-called amendment to end the war. In line with this sequence, the majority leader urged that instead of further delaying the military sales bill, we should offer our proposal as an amendment to the military procurement authorization bill. I discussed this procedure with other Senate leaders including the distinguished chairman of the Armed Services Committee, Senator STENNIS.

It was our feeling that this procedure was appropriate both according to the majority leader's timetable and also from the standpoint of committee jurisdiction since the bill to which we offered our amendment contains funds for the procurement of military supplies to be used in the conflict in Indochina.

Today we are confronted with an attempt to upset that process in defiance of Senate traditions of common courtesy and orderly procedure. The architects of the move to call up the amendment to end the war at this time, in connection with the Foreign Military Sales Act, have no wish to advance the amendment. They want to see it defeated. By bringing it up out of order they would confuse the debate, confuse the public, and prevent the kind of discussion this most serious issue deserves.

The nature of this move becomes all the clearer when we consider that its architects have for the past 6 weeks prevented, through extended discussion and a series of amendments, the vote on the Cooper-Church amendment. The sponsors of that amendment have been ready for a vote for some time. The Senator from Colorado now attempts to portray the debate on the limited Cambodia amendment as equivalent to a full debate on the issue of U.S. disengagement from the entire Indochina conflict.

None of the sponsors of the amendment to end the war have considered the debate on the Church-Cooper amendment relating only to Cambodia as a substitute for full debate on our amendment proposing a systematic disengagement from the entire Southeast Asia conflict. The need for careful consideration of the amendment is underscored by an editorial in today's Washington Post which reveals that the usually well-informed editor of this paper does not comprehend the basic outline of the amendment. I am confident that Senators will want to explore the full implications of our amendment when it is called up in its proper order. But to debate it extensively now would further delay action on the Church-Cooper measure.

The Senator from Colorado said last Thursday that the Senate has not been slow in debating the Church-Cooper amendment. The Vice President, however, has blasted the Senate for excessive debate on that measure claiming that by slowing approval of the military sales bill, the Senate is hampering our

friends in the Middle East. But what seems puzzling is the contention by the Senator from Colorado that 7 weeks is not too much time to debate the Church-Cooper amendment, but that he feels we should vote on the much more far-reaching amendment to end the war without further debate.

Mr. President, we should be aware of the probable consequences if the move by the Senator from Colorado is allowed to succeed. If the precedent he proposes to set is emulated by others, we will reach a situation in which no Senator will be able to control the timing of his own proposals, nor will the leadership any longer have the capacity to schedule the business of the Senate. If we sanction this procedure today I can see nothing that would stop a Senator from calling up any legislation that the President might propose before it has been considered by Committee and before potential support has been marshaled, in order to embarrass the White House by an early defeat. Those who would call up our amendment now are in my view exhibiting contempt for the decorum and the order of the Senate and the standards of courtesy which all of us should seek to maintain.

The Senator from Colorado gave the impression of scholarly research by citing precedents of Senators making proposals and then voting against them. His most recent example was in February of this year. At that time, the majority leader, Senator MANSFIELD, offered a motion to table Senate Resolution 359 which created the Select Committee on Equal Educational Opportunity. He then voted against his own motion to table.

Anyone who has examined the record of that day, however, is aware that the Senator from Colorado has misconstructed what occurred. In line with the courteous character to which so many Members of the Senate paid tribute to on last Thursday, Senator MANSFIELD'S motion to table was in accordance with the expressed desire of Members who opposed the creation of the Select Committee or who wanted to consider it at greater length. He had previously offered not to object to a motion to table. The Senator from Florida (Mr. GURNEY) then asked unanimous consent that a motion to table be in order. No objection was heard and the motion to table was made by the majority leader.

The other examples cited by the Senator from Colorado are of a similar nature. He has offered no precedent for what he has done, that is for one Senator to appropriate a piece of substantive legislation proposed by another Senator and to call it up for Senate consideration out of the previously planned order, against the wishes of the sponsors of the legislation, and with no aim other than to procure its defeat. It is not discourteous and irregular for the Senator to vote against his own motion. What is discourteous and irregular is for him to seize a piece of legislation authored by other Senators that has not yet even been brought to the Senate floor and then offer it as his own for the express purpose of defeating it.

I find it appalling that the Senator from Colorado would attempt by this device to suggest that the majority leader and the senior Senator from his own party, the Senator from Vermont, have engaged in practices similar to this and would therefore condone what he is doing. Both Senators have, in fact, objected to this procedure. I am confident that neither Senator either has or would follow it.

The truth is that what we have before us is something far more than a simple matter of a Senator proposing to vote against his own measure. If that were all that was involved, the Senator from Colorado would certainly not have had to look so far. It is common practice, for example, for a Senator to offer a motion to reconsider legislation which has just been approved by the Senate and then vote to table his own motion. Surely the Senator from Colorado must now see the difference between this common procedure and what he is doing in trying to preempt legislation offered in good faith by other Senators.

During the 7½ years I have served with the Senator from Colorado in this Chamber and as a member of the Interior Committee of which he is the distinguished ranking member, I have enjoyed friendly personal relations with him. I have never agreed with his views on the war in Asia since it has seemed to me from my earliest days in the Senate that we were mistaken in becoming involved in that conflict—a conflict which can only be settled by the people of Vietnam. I respect, however, the Senator from Colorado's right to his view. But I object to his procedure. I am confident that if the tables were reversed and I attempted to appropriate one of his bills, calling it up out of order to defeat it, we would hear a cry of indignation pouring forth from the Senator that would shake the dome of the Capitol.

But we should be even more concerned about the spectacle this action will portray to the American people. They will see subterfuge replacing legitimate discussion of the transcendent issue of war and peace. Such tactics only aggravate the cynicism and doubt toward our political system that is already all too prevalent. In the anguish and outcry that followed the unexpected invasion of Cambodia and the tragedy at Kent State, the one factor more than any other which gave concerned students and other citizens an alternative to undisciplined protest was the amendment to end the war. These concerned citizens are entitled to something better than trick tactics designed to frustrate the normal congressional process.

I do not know how any Senator or any public official can talk about reunifying the country and about bringing us together while at the same time condoning the tactic now being attemped to defeat the amendment by premature vote.

The authors and the sponsors of this amendment regard it as a serious, prudent method of disengaging this country from the Indochinese quagmire. And we are not alone in that belief. A Gallup poll released on June 13 found 23 percent of the American people in favor of withdrawing all troops from Vietnam immediately and another 25 percent in favor of withdrawing all troops by July of 1971. A total of 48 percent therefore, supported the amendment to end the war or something even more restrictive. Thirty-one percent were in favor of withdrawing all troops but taking as many years to do this as are needed to turn the war over to the South Vietnamese.

Therefore, if the Senator from Colorado does not take our proposal seriously and claims to interpret the views of the American public, he should be reminded that only 31 percent of Americans responding to the Gallup poll fa- for the Vietnamization plan offered by the President, whereas 48 percent of the American people favor either immediate withdrawal or the phased withdrawal plan proposed in our amendment.

The Colorado Senator contends that we should vote now on the disputed amendment because the amendment is endangering negotiations in Paris.

We need not look very far back to refute that argument. Our amendment has been pending since April 29 and in slightly revised form since May 5. If the Senator from Colorado is right, then we are left to wonder why it is that there was no meaningful negotiation during the full 16 months between the date of President Nixon's inauguration and the date our amendment was introduced.

The fact is that there has been no progress in Paris because the parties to the negotiations are at irreconcilable positions. We can expect that the talks will be stalemated for so long as we continue to guarantee the Thieu-Ky government's insistence that it remain in exclusive and complete control of all governmental machinery in South Vietnam until elections are held. The North Vietnamese and the Vietcong have no incentive to accept that position because they have not lost the war. Defeat of our amendment would have no effect in starting negotiations. On the contrary, passage of our amendment might stimulate the negotiations through its notification to the existing Government in South Vietnam that they must begin working out accommodations with their adversaries because they cannot depend forever on an open-ended commitment of U.S. support.

Furthermore, Hanoi and the National Liberation Front have said negotiations can resume only after we agree to a definite withdrawal.

At present, we are burdened by a policy that can be vetoed either in Saigon or Hanoi. Passage of our amendment would restore control of our policy and our forces to the President and the Congress according to our national interest.

The Senator from Colorado contends that this amendment to end the war is dangerous to American troops.

But there is no safer policy for American troops and American prisoners than to bring them home.

The dangerous policy is the one the Senator from Colorado and President Nixon have advocated for the last 15 years. The dangerous policy was sending American troops to fight in a struggle that can only be resolved by the people of Asia.

The dangerous policy was in assuming

that bombs from America could resolve a political issue born in Asia.

The danger was in trying to substitute American blood for bad government in Saigon.

Now we seek to end that danger and restore the war and peace powers of the Congress by carefully legislated guidelines for terminating U.S. involvement in a conflict we never should have entered.

I do not intend to engage now in a debate on the merits of our amendment. Since we are committed to call it up in connection with the military procurement authorization bill, discussion now would only serve to delay the action which is past due on the Church-Cooper proposal. Instead, there will be a move to table the amendment.

I hope that a strong majority of the Senate, regardless of their views on the amendment to end the war, will support the tabling motion in order that we might continue in an orderly fashion to consider the issue fully at the proper time.

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

The PRESIDING OFFICER. Under the previous order, the Senator's time has expired.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator may have 5 additional minutes.

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

Mr. McGOVERN. I yield to the Senator from Kansas.

Mr. DOLE. Mr. President, I have listened with great interest to the Senator from South Dakota. I am wondering what his basic reason is for not wanting to proceed to rejection or adoption of the so-called end-the-war amendment at this time.

Mr. McGOVERN. There are several reasons, I will say to the Senator. First, we have made both public and private pledges to Members of the Senate and to the citizens of the country that the amendment would be called up on the military procurement bill. We feel that that pledge is one that ought to be respected both by the sponsors of the amendment and by other Senators. This was a procedure that was worked out with the majority leader, with the chairman of the Committee on Armed Services, with other Members of the Senate, and with interested citizens across the country.

Secondly, we feel that the measure is a far-reaching one, which goes directly to the question of whether we ought to disengage our forces, not just from Cambodia, but from all of Indochina. That is not a matter to be disposed of hastily, but to debate it extensively at this time, as the Senator knows, would further delay action on the Church-Cooper amendment and the military sales bill to which that amendment is attached. The Vice President has already expressed great impatience with the Senate, claiming that the long debate on the Church-Cooper amendment has stalled the military sales bill and hampered American policy in the Middle East. To whatever extent that argument has any merit, a lengthy debate at this time on the so-called amendment to end the war, the McGovern-Hatfield amendment, would not only delay action on the Church-Cooper amendment, but on the military sales bill to which it is attached.

For those reasons, it seems to me proper to set aside this amendment now and bring it up according to the plan that was previously worked out.

Mr. DOLE. The reason the Senator from Kansas asked the question was that there was a full page, or almost a full page, advertisement in the Sunday, May 24, issue of the New York Times, which said:

> Between now and July 1, Congress will vote for war or peace. With your help it can be peace.

This advertisement was paid for, apparently, by a group called Project Purse Strings, which I understand is a part of the End the War Committee. Then there was another advertisement, on May 17, which said "within 30 days."

So, as far as the time frame is concerned, it appears that we have more or less kept on schedule with the fundraising activities of the End the War Committee. It is almost July 1, and it appears now is an appropriate time to consider the end-the-war amendment.

Mr. McGOVERN. Let me say to the Senator that I do not speak for Project Purse Strings or other groups that have been running advertisements in the press, but I can enlighten the Senator on why the estimated time table was given.

At the time that we introduced this amendment, on April 29, it was my thought that it might come to a vote in 30 or 40 days, but I did not anticipate that the Senator from Kansas and others would stall the Church-Cooper amendment for a period of 7 weeks then. I thought that a simple amendment like that, after 2 or 3 days of debate, could be voted up or down.

What puzzles me is how the architects of this move to bring up the so-called McGovern-Hatfield amendment prematurely can argue that it is not too much time to give 6 or 7 weeks of debate to the Church-Cooper amendment, but that we ought to vote on this one before it has ever come to the floor for careful consideration.

Mr. DOLE. If the Senator will yield for a question. The reason we indicate this is that we have discussed the general Southeast Asia problem, South Vietnam specifically and Cambodia specifically, for some time. It appears to many of us that we are probably as well informed now as we will ever be on whether or not the so-called end-the-war amendment or other amendments should be adopted. We have made progress in the last 7 weeks with reference to the Church-Cooper resolution and other so-called resolutions which would restrict the power of the President. But even more importantly, as the Senator knows, telegrams have gone out to TV stations across the land from the offices of the Senator from South Dakota and the Senator from Oregon, indicating that "If you want to end the war, make a contribution, send your contribution to the Amendment To End the War Committee, Box 1A, Ben Franklin Station," and I assume there is some fundraising going on at this time. I would be interested to know how many hundreds of thousands of dollars have been raised by the End-the-War Committee.

Mr. McGOVERN. In response to that, let me say to the Senator that we have raised a total of more than $400,000 for that purpose, of which approximately $75,000 was used to cover a half-hour broadcast on the National Broadcasting Co. some weeks ago.

The Senator knows that the President, rightfully, has a great opportunity to communicate his views on important issues of the day by going on television free of charge at any time he requests time. I think he ought to have that privilege. But Senators do not have that privilege. It is very difficult for those of us who feel differently from the President to make our views known.

We have sought to do that by raising these funds, so that we could purchase time on the networks for the purpose of explaining the ramifications of this amendment to the American people. Even there, we have been frustrated by the networks in buying time on a network basis, and have been forced to approach individual radio and television stations to get our message across.

Perhaps I could ask the Senator if he feels that one of the reasons for bringing up the amendment now, as the Senator from Colorado has tried to do, is to deprive us of that opportunity of utilizing the funds that have been raised to bring our message to the American people.

Mr. DOLE. Well, of course, I did not bring up the amendment, so would not know what may have been the reasons. But I would also be interested in knowing, if the Senator from South Dakota plans to revise the so-called end-the-war amendment? If so, will all the money be returned that was forwarded in response to the original amendment?

Mr. McGOVERN. I have no plans to make revisions of the amendment, but neither do we have a closed mind on that. If suggestions can be made to improve the legislation, it is inconceivable to me that anyone contributing to the effort to end the war would object to that.

The PRESIDING OFFICER (Mr. BAYH). The Senator's time has expired. Under the previous order, the Senate will now proceed to a period for the transaction of routine morning business.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to executive session for action on nominations.

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

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The bill clerk proceeded to read sundry nominations placed on the Secretary's desk in the Environmental Science Services Administration.

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

The PRESIDING OFFICER. Without

objection, the nominations are considered and confirmed en bloc.

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

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

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to the consideration of legislative business.

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

THE GAINS AND LOSSES FROM CAMBODIA

Mr. MANSFIELD. Mr. President, in today's issue of the National Observer, a weekly publication, there appears an article entitled "60 Days in Cambodia—A Summing Up," written by Richard Egan. It is subtitled "The Gains, the Losses, and the Outlook Now in Southeast Asia."

This, I think, is an article which all Members of the Senate could read with much interest and edification. I think it is an excellent article, and I ask unanimous consent that it be printed in the RECORD at this point.

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

SIXTY DAYS IN CAMBODIA—A SUMMING UP—THE GAINS, THE LOSSES, AND THE OUTLOOK NOW IN SOUTHEAST ASIA

(By Richard Egan)

This week the last American ground troops are scheduled to return to South Vietnam from the despoiled Communist sanctuaries along the eastern border of Cambodia, concluding one of the most debated U.S. military episodes of the Vietnam War.

From the one standpoint, the two-month American-South Vietnamese expedition into Cambodia has brought undeniable benefits to the allied war effort in Vietnam. The Communist losses in men and materiel have been great. The sanctuaries they had operated from with impunity for five years are no longer sacrosanct. The Communists know that if they move back, they may be driven out again. And, according to American officials, the Cambodian venture has gained time for the South Vietnamese to prepare for the day when American combat forces leave their country and the Vietnam War becomes largely a Vietnamese war.

But the offensive also has stirred wide repercussions in the United States and in Indochina that U.S. officials candidly acknowledge they had not anticipated when 20,000 American and South Vietnamese troops surged into Cambodia on April 29–30. At home the offensive reinvigorated the moribund antiwar movement and touched off an attempt by Senate doves to curtail President Nixon's war-making powers.

In Indochina, the effects of the allied drive have reached far beyond the borderlands of Cambodia. The Vietnamese Communists responded to the assault by grabbing large chunks of northeastern Cambodia and southern Laos, and have undertaken a Cambodian offensive of their own that threatens to bring down the 15-week-old government of Cambodian Gen. Lon Nol. Prince Souvanna Phouma, the Laotian prime minister, has been embarrassed politically by the loss of Laotian territory, and rightist politicians and generals are demanding that the neutralist leader pursue a more vigorous military policy against the Communists. Thailand, always jittery when Communist forces edge close to its borders, has been drawn more deeply into the vortex of the Indochinese fighting. The South Vietnamese, along with the Thais, have rushed in to help prevent Cambodia from falling under Communist domination.

Inevitably, these developments have forced some shifts in the Nixon Administration's policy in Indochina, particularly in its attitude toward the Cambodian situation. Bald assertions by Administration officials in April and early May that the United States had no intention of employing its military might to rescue the floundering Cambodian government have given way to more circumspect explanations of U.S. policy. And the Administration has undertaken and underwritten several moves aimed at preserving Cambodia from Communist control, including possibly air strikes in direct support of Cambodian troops fighting the Communists.

When the Cambodian offensive began, Administration officials said the primary purpose was to "clean out" the sanctuaries, which the Communists had been using as supply depots, staging areas for raids into the southern half of South Vietnam, and rest, recuperation, and regroupment areas after the cross-border forays. The American and South Vietnamese troops would chew up the sanctuaries, smashing bunkers, destroying or carting off the Communists war stocks, and killing whatever Communists they could find. After ravaging the sanctuaries, the allied troops would move back across the border. The Communists, who were expected to fade deeper into the sanctuaries while the offensive went on, would then slip back into their bases, and begin rebuilding and restocking them. But by that time, monsoon rains would be pelting down on the sanctuaries, hampering the Communist reconstruction operation.

U.S. officials said the destruction of the sanctuaries would provide the United States with a respite of from six months to a year from major Communist military operations in the southern half of South Vietnam. They argued that, given this time, the United States could concentrate relatively unimpeded on the Vietnamization program of preparing South Vietnamese forces to replace American troops. The speed-up in Vietnamization, in turn, would assure continuation of the American troop-withdrawal plan.

American officials expected that the offensive also might produce some beneficial side effects by prodding the Communists into negotiating seriously at the Paris peace talks and by relieving Communist pressure on the Cambodian government. But, these officials emphasized, the offensive was not intended as a rescue operation for the Cambodian government. "We don't intend to become involved militarily in the support of the Lon Nol or any other government" of Cambodia, Secretary of State William P. Rogers said in early May.

The Communists, however, failed to adhere to the script the Administration outlined in April. Abandoning the sanctuaries, the Communists initiated a series of attacks in northern Cambodia and the southern panhandle of Laos across the border. By late May, they had gained control of this area, where they have been establishing new base areas and working on new supply and infiltration routes for their troops in South Vietnam. The supplies are now being moved along the Sekong and Mekong rivers from Laos into Cambodia, where they are transported overland through Communist-controlled territory.

The Communists also intensified their military activity in other parts of Cambodia. In a series of hit-and-run raids, they have overrun almost every major town in the eastern half of Cambodia, and have occupied the ancient ruins at Angkor in western Cambodia, 200 miles from their old sanctuaries. Earlier this month, the Communists gained control of every highway leading into the Cambodian capital of Phnom Penh and cut the capital's last rail link with outlying provinces. By encircling Phnom Penh, the Communists have blocked oil shipments to the capital from the country's sole refinery at Kompong Som (formerly called Sihanoukville) and have prevented rice from reaching the city from the western provinces.

The government of Gen. Lon Nol, who came to power on March 18 by deposing Prince Norodom Sihanouk, concedes that the Communists control one third of the nation. And the Communists have been active militarily and politically in much of the rest of the Missouri-sized land, seeking to create a Cambodian guerrilla organization while weakening the government's hold over the 7,000,000 Cambodians by constant attacks on population centers.

State Department officials acknowledge that when the Cambodian offensive began they had not anticipated that the Communists would establish new base areas or supply routes. Nor did they foresee that the Communists would open any full-scale assault against the Cambodians, apparently in an attempt to bring down the Lon Nol government.

Even before the start of the Cambodian offensive, the Administration had taken several moves designed to shore up the Cambodian government. In late April Washington began furnishing Cambodia with captured Communist weapons and with $7,900,000 in U.S. military supplies, mostly small arms and ammunition. Delivery of these supplies is expected to be completed by June 30, the deadline President Nixon has set for withdrawal of U.S. ground forces from Cambodia. U.S. officials say Washington undoubtedly will continue to send arms to Cambodia after that date. Some Washington reports say the United States will send $50,000,000 more in military aid to Phnom Penh, and may also provide economic aid.

On May 3 about 3,000 South Vietnamese of Cambodian descent, who formerly served as members of U.S. Special Forces units in South Vietnam, were flown to Phnom Penh to fight alongside the Cambodian army. These troops were paid and outfitted by the United States while serving in South Vietnam, and presumably still are being financed by Washington.

On May 12, American and South Vietnamese vessels initiated a naval blockade in the Gulf of Siam along a 100-mile stretch of Cambodian shoreline. U.S. officials say the blockade was ordered to prevent ocean-borne shipments of supplies from reaching the Communists. The blockade also has freed the tiny Cambodian navy from patrolling the coast, enabling it to operate inland on the Mekong River.

By mid-May, U.S. officials were acknowledging that they had encouraged South Vietnam and Thailand to provide troops and other military assistance to help in the defense of Cambodia. Earlier this month, Secretary Rogers said the United States probably would underwrite "a substantial part of the cost" of the war if it developed into "South Vietnamese forces and Cambodian forces and even possibly Thai forces fighting a common enemy."

Thailand is expected to dispatch at least 2,500 troops in Cambodia, probably from its Black Panther Division in South Vietnam. The United States has been paying about $50,000,000 annually to maintain this unit in South Vietnam, and Thai officials have said this payment would continue if the troops are transferred to Cambodia. Thailand also began flying reconnaissance missions over Cambodia early this month, and has sent 20 gunboats to Cambodia to help patrol the

Mekong River near Phnom Penh. Joint Thai-Cambodian patrols have begun operations along the 400-mile border between the two countries.

The Thai government of Premier Thanom Kittikachorn said recently that Thailand is "directly threatened" by the Communist advances in Cambodia. Thailand decided to send troops to Cambodia, the premier explained, because it was better to fight the enemy there than "wait for him to arrive at one's door."

South Vietnam, which now has about 30,000 troops operating in Cambodia, has not disclosed how many will remain after June 30. South Vietnamese President Nguyen Van Thieu has said Saigon will leave as many troops as necessary to block the Communists from taking over Cambodia. In a joint communique last month, the foreign ministers of South Vietnam and Cambodia stated that the South Vietnamese forces had entered Cambodia "to drive out the Viet Cong and North Vietnamese" and would withdraw only when "their task is completed."

Some Administration officials have explained these moves as an application of the Nixon Doctrine. Under this doctrine, which Mr. Nixon enunciated at Guam in July 1969, the United States would help Communist-threatened Asian nations with military supplies and equipment, "but not fight the war for them."

Nevertheless, since April 30 Washington has watered down considerably its position on the possible use of American military power in Cambodia after June 30. Most significantly, the Administration has declined to rule out the possibility of American warplanes giving direct support to Cambodian troops in battle. Indeed, the Cambodian government reported last week that U.S. air strikes had helped break a month-long Communist siege of the provincial capital of Kompong Thom, which is about 180 miles from the Cambodian border with South Vietnam. (Though U.S. planes have been conducting similar missions in Laos since mid-1964, the first official American acknowledgment of this activity did not come until last March.)

Secretary Rogers refused to confirm or deny whether U.S. planes were supporting the Cambodian army. "The main thrust of our policy is to use our air force for the purpose of interdicting supply lines and communication lines to protect Americans in South Vietnam," he said. "That is our policy. Obviously it may have a dual benefit—it may serve our purposes and at the same time serve the Cambodian government." Mr. Rogers, however, declined to state that American planes would not fly close air support for the Cambodians.

Too, Washington not only has backed away from its original contention that South Vietnamese forces would withdraw at approximately the same time as American troops, it has also fudged its stand on the possible use of American tactical and logistical support for the South Vietnamese troops staying on in Cambodia.

At a news conference on May 8, President Nixon said he "would expect that the South Vietnamese would come out [of Cambodia] at the same time that we do, because when we came out, our logistical support and air support will also come out." A week later, Carl Bartch, the State Department press officer, disclosed that the United States was urging the South Vietnamese and Thais to join together in helping defend Cambodia by providing troops and by training, advising, and supplying the Cambodian army. U.S. officials said this decision was taken because in the seven days since the President's news conference Communist moves in Cambodia had indicated that the Lon Nol government might be overrun without a quick infusion of outside help.

Seventeen days after the President's news conference, the State Department raised the possibility that U.S. support for the South Vietnamese operating in Cambodia might continue after June 30. At a State Department briefing, Mr. Bartch said: "I think it's fair to say that when the United States withdraws its forces from Cambodia by June 30, that air and logistics support might also be withdrawn. I am distinguishing between that and what might arise in the future after June 30." He acknowledged that by "in the future" he meant July 1, implying that U.S. air cover might be provided the South Vietnamese after the American pull-out, but with a slight break so as to adhere, at least semantically, to Mr. Nixon's pledge on May 8.

The Administration has been backtracking, too, on whether U.S. troops would ever be sent back into Cambodia. Secretary of State Rogers said on June 8 that American GIs might be returned "if it is necessary to protect the lives of American forces right on the border."

Where do these shifts in position leave U.S. policy toward Cambodia? At the least, the United States is openly supporting the efforts of two allies to forestall a Communist take-over of Cambodia. At most, Washington, in backing off from its policy stands at the start of the Cambodian offensive, may be clearing away the diplomatic underbrush for an American rescue operation in Cambodia.

There are some clear risks even in the less ambitious approach. The Thai Black Panther Division, though based in South Vietnam since 1966, has done little fighting. The South Vietnamese units operating in Cambodia are accustomed to going into battle with U.S. advisers and being transported by U.S. planes, with U.S. artillery and U.S. air power for support. If one of these Thai or South Vietnamese units is threatened with destruction by the Communists, Washington may be faced with the difficult decision of whether to dispatch U.S. planes and possibly U.S. troops to help save the expeditionary force that is helping to save Cambodia.

Too, a lengthy extensive South Vietnamese commitment in Cambodia could detract from the Vietnamization and troop-withdrawal programs. As the United States discovered in South Vietnam, Thailand and South Vietnam might find that Cambodia will suck in more and more troops.

Nevertheless, it seems doubtful that the South Vietnamese would pursue policies in Cambodia that met with American disapproval. Washington holds enough political, economic, and military strings in Saigon to dictate the scope of the South Vietnamese venture in Cambodia. The Thais also are too closely tied to the United States to go off on their own in Cambodia.

So any major allied policy decisions on Cambodia most certainly would be made in Washington, rather than in Saigon or Bangkok. The key question facing President Nixon is what, if any, action the United States or its allies should take if the Cambodian government is in imminent danger of collapse.

When he appeared on television on April 30 to announce the start of the Cambodian offensive, Mr. Nixon spelled out clearly the dangers he foresaw if Cambodia fell to the Communists: "Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops could return from combat without fear of retaliation. . . . The lives of Americans remaining in Vietnam after our next withdrawal of 150,000 would be gravely threatened. . . . It would mean that South Vietnam was completely outflanked and the forces of Americans in this area, as well as the South Vietnamese, would be in an untenable military position."

And in his April 30 speech Mr. Nixon openly linked the Cambodian offensive to the need for a Cambodia free of Communist control. After ticking off the possible effects on the American war effort in South Vietnam of a Communist conquest of Cambodia, Mr. Nixon said that "confronted with this situation," the United States had but one choice: "To go to the heart of the trouble. That means cleaning out major North Vietnamese- and Viet Cong-occupied territories, these sanctuaries which serve as bases for attacks on both Cambodia and American and South Vietnamese forces in South Vietnam."

And near the end of his speech Mr. Nixon said, "The lives of American men are involved" in his decision to go into Cambodia. "The opportunity for 150,000 Americans to come home in the next 12 months is involved. The future of 18,000,000 people in South Vietnam and 7,000,000 people in Cambodia is involved. The possibility of winning a just peace in Vietnam and in the Pacific is at stake."

From its beginning the allied offensive had a Janus-faced quality that may have reflected the President's concern over the future of Cambodia. While American troops remained in the sanctuaries, the South Vietnamese tarried there only briefly. Within days after the offensive started, part of the South Vietnamese force was operating in direct support of embattled Cambodian troops outside the sanctuaries. And the South Vietnamese have insisted all along that their main objective in the offensive was to keep Cambodia out of Communist hands.

A Communist take-over of Cambodia would have widespread effects throughout Southeast Asia, as Mr. Nixon is aware. The Communist threat to South Vietnam, Thailand, and Laos would increase. The U.S. Vietnamization and troop-withdrawal programs in South Vietnam could be set back. But any American military campaign to rescue the Lon Nol government most certainly would slow down and possibly undermine these programs, besides again churning up antiwar sentiment in the United States. And the option the Administration seems to have chosen—the Thai and South Vietnamese expeditionary forces—carries risks too.

Late last week, Richard Nixon left Washington for the Western White House at San Clemente, Calif., to prepare a report he plans to make on the Cambodia offensive after all American troops have returned. His report may clear away some of the clouds that have covered U.S. policy on Cambodia since April.

Mr. DOLE. Mr. President, at this time I wish to read into the RECORD a telegram from the offices of the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Oregon (Mr. HATFIELD), addressed to Jerry Holley, station manager, WIBW–TV, Stauffer Publications, Inc., Box 119, Topeka, Kans. It reads:

Request immediate response availability prime thirties and fringe sixties for three week campaign to begin approximately June 16. Sponsor is the Amendment to End the War Committee of the United States Senate which sponsored half-hour telecast over NBC TV network 7:30 p.m. e.s.t., May 12, 1970. End the War Amendment, sponsored by bi-partisan group of 84 Senators, including Senators McGovern, Hatfield, Goodell, Cranston, and Hughes and 100 U.S. Representatives. We need immediate approval of prototype ad because of imminent starting date. Typical example of commercial to be run is included below in script form. Video: two small boys (12 years old) playing cops and robbers. Audio: announcer—"There are boys in Vietnam who were only 12 years old when the war started. No one would have believed that then, that we'd still be in it today. There are boys in the United States today that are twelve years old. No one wants to believe that we'll still be in the war when they are old enough to go. But we could be. If we don't end the war now. That's what the amendment to end

the war seeks to do. But it needs your support." (Alternative ending No. 1): Write your Senator in Washington, D.C. and tell him how you feel. Pick up a pen, so your son won't have to pick up a rifle. (Alternative ending No. 2): Send your contribution to the Amendment to End the War Committee, Box 1A, Ben Franklin Station, Washington, D.C. Pick up a pen so your son won't have to pick up a rifle.—Please reply by wire immediately to U.S. Senator George McGovern, Senate Office Building, Washington, D.C.

Offices of Senator Mark Hatfield and Senator George McGovern.

I also, in this connection, ask unanimous consent to have printed in the RECORD at this point the response from Thad M. Sandstrom, vice president, WIBW–TV, Topeka, Kans., in response to that telegram.

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

TOPEKA, KANS.,
June 11, 1970.

Senator GEORGE MCGOVERN,
Senate Office Building,
Washington, D.C.

WIBW–TV believes that through news broadcasts and such programs as Face the Nation, Issues and Answers, The Senate and the War, our viewers are very aware of the position of the Amendment to End the War Committee. Further, we are advised by our attorneys that recent court and FCC rulings would obligate us to grant free time under the Fairness Doctrine to groups in Kansas who oppose the position stated in your telegram. Through CBS and WIBW Newscasts, we will continue to keep our viewers informed on opinions of Senators and Congressmen on both sides of this controversial issue.

THAD M. SANDSTROM,
Vice President, WIBW–TV.

(At this point Mr. MCGOVERN assumed the chair.)

Mr. BAYH. Mr. President, I have observed with a considerable amount of interest the discussion of our distinguished colleague from Kansas on the fundraising endeavors of the End the War Committee and the request for availability to express opposition to the war on the part of the Senator from South Dakota, the Senator from Oregon, and some others. I ask unanimous consent at this time to have printed in the RECORD a report circulated to Members of the Senate by the Senator from South Dakota and the Senator from Oregon relative to the way these funds have been collected and the way they have been audited.

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

AMENDMENT TO END THE WAR COMMITTEE AS OF JUNE 24 1970

RECEIPTS

Contributions:	
Cash:	
To committee (net)	$437,864.21
To NBC	6,949.00
To Council for a Livable World	24,050.00
Subtotal	468,863.21
Other: Production services (Guggenheim productions)	20,179.43
Total contributions	489,042.64
Interest earned	229.69
Other receipts:	
Loan (Stewart Mott)	30,000.00
Contributions received by NBC for the Council for a Livable World	25,105.32
Subtotal	55,105.32
Total receipts	544,377.65

DISBURSEMENTS

For Telecast, May 12, 1970 (half-hour):	
Air Time (NBC)	59,493.30
Production:	
Guggenheim Productions:	
Paid services	9,820.57
Contributed services	20,179.43
Subtotal	30,000.00
Telecolor productions: 25 film prints	1,290.00
Subtotal	90,783.30
For radio and TV spots:	
Production (Guggenheim productions)	7,885.00
Staff travel expenses (New York)	97.75
Air time (Carl Ally, Inc.)	40,000.00
Subtotal	47,982.75
For newspaper advertising:	
Space:	
Carl Ally, Inc	5,847.12
Patrick McKeever	625.00
Robert A. Mann	150.65
Larry Kotlikoff	120.40
Gateway Advertising	2,985.15
Enterprise Agency	3,052.56
Subtotal	12,780.88
Production (Advertising People Against the War)	2,000.00
Travel expenses (S. Cohen, Carl Ally, Inc., to Oregon)	388.95
Subtotal	15,168.93
House committee for a vote on the war:	
Administrative services	$3,500.00
Congressional committee for a vote on the war:	
Printing general report (creative printing)	3,528.00
Printing legal report (Majority Room, House of Representatives)	1,581.00
Telephone (C. & P. Telephone Co.)	1,587.42
Organizational luncheon	64.80
	6,761.22
Postage and mailing	2,549.73
Bread and peace (C. & P. Telephone Co.)	200.00
Stationery (acknowledgment cards)	822.18
All other expenses:	
Volunteers' support	267.00
Telegrams	63.60
Bank charges (collection and service)	500.53
Rubber stamp	8.84
Xeroxing	45.15
Subtotals	885.12
Telegrams to student leaders	10,462.70
Subtotal	179,115.93
Total disbursements for expenses	179,115.93
Other disbursements:	
Loan repayment (Stewart Mott)	30,000.00
To transfer funds received from NBC for the Council for a Livable World	25,105.32
Subtotal	55,105.32
Total disbursements	234,221.25
Reserve balance (and cash in bank)	310,156.40

Mr. BAYH. Let me say that, although I have not in any way been connected with the collection of these funds or, indeed, in advertising for them, I think that any Member of this body who has observed what is going on relative to trying to explain and trying to discuss our involvement in Southeast Asia cannot be but a bit concerned about the fact that the President of the United States has almost unlimited access to television, and there seems to be some question as to whether those who oppose his policy are going to be given any access at all.

I want to salute the Senator from South Dakota and those who have joined with him in trying to equalize this disparity, and I want to compliment them for making no effort to hide the manner in which these funds are collected. They have tried to give us an opportunity to see how they are being spent. I see no way in which this can be criticized.

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

Mr. BAYH. I am glad to yield.

Mr. DOLE. Let me suggest that President Nixon, apparently, has his own end-the-war committee. He has been quite successful in disengaging in Southeast Asia. The troop level has been reduced by 115,500, with another 50,000 to be home by October 1, and another 100,000 by next spring.

The point I make is that we all have the same hope and aspirations that the war in Southeast Asia will end.

The point is that I suppose funds can be raised for any purpose and can be disbursed for any purpose, so long as it is within the context of the purposes outlined. But it occurs to me that we have had adequate debate on the war in Southeast Asia during the past 7 weeks and we might be in a position now to vote one way or the other.

Mr. BAYH. Mr. President, I ask unanimous consent that I be allowed to proceed for a couple of minutes in order to respond to the Senator from Kansas.

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

Mr. BAYH. I believe that the Senator from South Dakota very adequately dealt with the same point raised by our friend the Senator from Kansas, in which it is rather strange that for 7 weeks we have had a hit-and-run effort to try to prevent us from voting on the measure which was before us.

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

Mr. BAYH. No. I will finish, and then the Senator can respond on his own time, since I only have a minute and a half remaining.

All of a sudden, there has been a change of strategy. We have an entirely different amendment, which has not been discussed at all by this body. I am of the opinion that it makes a great deal of difference whether we are telling the President that we would suggest that he withdraw troops from Cambodia by the 1st of July—that is one issue—and the issue that has been presented by the end-the-war amendment offered by the distinguished Senators from Oregon and South Dakota. This is an entirely different issue, which deals with a scheduled ending of the entire confrontation.

I will not discuss with my friend from Kansas, since we had a chance to do this earlier, the different views that he and I have as to whether the President has shortened the war or lengthened it by sending armed forces into an entirely different country. I do agree with him that we all want to bring the war to an end. But I hope we have not reached the day in this country when we say that there is something wrong and access to television should be denied to those who differ with the President of the United States. I am deeply concerned about the feeling that seems to be promulgated out of the White House and out of the Vice President's office that there is something disloyal or un-American about saying, "Mr. President, I disagree." When the time comes that Members of this body or other citizens of this country cannot stand up on a public platform and say their President is wrong or their Senator is wrong or the Vice President is wrong,

we had all better get ready for the barbed wire treatment.

The Senator from Indiana is not ready or willing to remain mute when this type of criticism is directed at the Senator from South Dakota or at any other Member of this body; and if it is directed at the Senator from Kansas, I will be just as vocal.

Mr. DOLE. I appreciate that.

I think the Senator has approximately 30 seconds remaining. Will he yield to me?

Mr. BAYH. I yield.

Mr. DOLE. I did not hear anybody quarrel about extended debate in the Haynsworth and Carswell nominations. As I recall, the Senator from Indiana played a major role in those nominations.

Mr. BAYH. Will the Senator yield for a question?

Mr. DOLE. I yield.

Mr. BAYH. Does the Senator know how long the debate on either of those cases took? Did it take place for 7 weeks?

Mr. DOLE. I do not think the Senator could have sustained it for 7 weeks. But the Senator did not do badly.

Mr. BAYH. If the Senator will read the RECORD as to the number of hours of debate and the number of days of debate, he will find they were minimal compared with the amount of debate that has been directed at this one issue.

Mr. DOLE. The point is that we have the right to debate, and those of us who wished to discuss Southeast Asia had ample opportunity, and we appreciate that.

Mr. BAYH. There is a right to debate on one issue, but now the right apparently is going to be cut off, or an attempt is to be made to cut off, debate on an entirely different issue. That is the point the Senator from South Dakota was raising.

MESSAGE FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session, the Presiding Officer (Mr. McGOVERN) laid before the Senate a message from the President of the United States submitting the nomination of Clay T. Whitehead, of California, to be Director of the Office of Telecommunications Policy, which was referred to the Committee on Commerce.

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. ALLEN):

H.R. 1695. An act for the relief of Alfredo Caprara;

H.R. 1698. An act for the relief of Joeck Kuncek;

H.R. 2275. An act for the relief of John Thomas Cosby, Jr.;

H.R. 2315. An act for the relief of Josefina Policar Abutan Fuliar;

H.R. 3348. An act for the relief of the estate of Pierre Samuel du Pont Darden;

H.R. 4246. An act to discontinue the annual report to Congress as to the administrative settlement of personal property claims of military personnel and civilian employees;

H.R. 4247. An act to amend section 2734 of title 10, United States Code, to authorize the Secretary concerned to make partial payments on certain claims which are certified to Congress and to provide equivalent authority for administrative settlement and payment of claims under section 2733 of title 10 and section 715 of title 32, United States Code;

H.R. 4574. An act to provide for the admission to the United States of certain inhabitants of the Bonin Islands;

H.R. 13407. An act to consent to the amendment of the Pacific Marine Fisheries Compact;

H.R. 13740. An act for the relief of Kimball Brothers Lumber Co.; and

H.R. 17399. An act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

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

REPORT ON APPROVAL OF LOAN TO EAST KENTUCKY RURAL ELECTRIC COOPERATIVE CORPORATION OF WINCHESTER, KY.

A letter from the Administrator, Rural Electrification Administration, reporting, pursuant to law, on the approval of a loan to East Kentucky Rural Electric Cooperative Corp., of Winchester, Ky., for the financing of certain transmission facilities and improvements to existing generation facilities (with an accompanying paper); to the Committee on Appropriations.

REPORT ON LOCATION, NATURE, AND ESTIMATED COST OF CERTAIN FACILITIES PROJECTS, AIR NATIONAL GUARD

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

PROPOSED TRANSFER OF SUBMARINE USS "PIPER" TO THE REHABILITATION CLINIC INCORPORATED, MADISON HEIGHTS, MICH.

A letter from the Assistant Secretary of the Navy (Installations and Logistics) transmitting, pursuant to law, the Department's proposal to transfer the submarine USS *Piper* (AGSS-409) to the Rehabilitation Clinic Inc., Madison Heights, Mich.; to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the improvements needed in the financial management system of the Trust Territory of the Pacific Islands, Department of the Interior (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE PACIFIC TROPICAL BOTANICAL GARDEN

A letter from the Counsel, Pacific Tropical Botanical Garden, transmitting, pursuant to law, an audit report for the Corporation for the calendar year ended December 31, 1970 (with an accompanying report); to the Committee on the Judiciary.

WILLIAM B. RICHARDSON AGAINST DAVID M. KENNEDY—OPINION OF COURT

A letter from the Assistant Attorney General, Department of Justice, transmitting, for the information of the Senate, a copy of the opinion of the court in the case of *William B. Richardson* v. *David M. Kennedy*, Civil Action No. 69–153, challenging the constitutionality of Public Law 90–206 (the statute under which the rate of payment of compensation to Members of Congress has been determined (with an accompanying paper); to the Committee on the Judiciary.

REPORT ON EXAMINATION OF ACCOUNTS OF THE NATIONAL COUNCIL ON RADIATION PROTECTION AND MEASUREMENTS

A letter from the General Counsel, National Council on Radiation Protection and Measurements, transmitting, pursuant to law, an audit report of the Council dated December 31, 1969 (with an accompanying report); to the Committee on the Judiciary.

INTERNATIONAL CRIMINAL POLICE ORGANIZATION

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to amend the act of June 10, 1938, relating to the participation of the United States in the International Criminal Police Organization (with accompanying papers); to the Committee on the Judiciary.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

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

A resolution adopted by the Woman's Club of Malba, Inc., of Malba, Long Island, N.Y., praying that the Surgeon General establish standards limiting jet noise; to the Committee on Commerce.

A resolution adopted by the International Chemical Workers Union, of Akron, Ohio, praying for the enactment of legislation relating to coercion in the matter of overtime; to the Committee on Labor and Public Welfare.

A resolution adopted by the International Chemical Workers Union, of Akron, Ohio, praying for the enactment of legislation relating to the control of lobbying activities; to the Committee on Rules and Administration.

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION PROVIDING FOR THE ESTABLISHMENT OF HIGH SPEED RAIL SERVICE BETWEEN THE CITIES OF BOSTON AND NEW YORK

"Whereas, A report, based on a tax supported research as to the feasibility of high speed rail service between the cities of Boston and New York, prepared for the New England Regional Commission in July, nineteen hundred and sixty-eight, recommends the immediate construction of a high speed rail line between Boston and New York; therefore be it

"Resolved, That the general court of Massachusetts respectfully urges the Congress of the United States to enact legislation providing for the immediate construction of said high speed rail service between the cities of Boston and New York; and be it further

"Resolved, That copies of these resolutions be transmitted forthwith by the State Secretary to the President of the United States, to the Secretary of Transporation, to the presiding officer of each branch of Congress and

to each member thereof from the Commonwealth.

"Senate, adopted, May 4, 1970.

"NORMAN L. PIDGEON,
"Clerk.

"House of Representatives, adopted in concurrent, May 7, 1970.

"WALLACE C. MILLS,
"Clerk."

Resolutions of the General Court of the Commonwealth of Massachusetts; to the Committee on Commerce:

"RESOLUTIONS MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ENACT LEGISLATION TO MINIMIZE AIRCRAFT NOISE

"Whereas, Use of jet aircraft has created a serious national aircraft noise problem which will become more serious with the expansion of jet service and the development of supersonic service; and

"Whereas, The aircraft noise problem cannot be solved at the local governmental level and properly is a problem for national concern by virtue of federal statutes defining airspace as being within the public domain and subject to the jurisdiction of the federal government; and

"Whereas, Numerous bills dealing with the problem have been introduced in Congress; now, therefore, be it

"Resolved, That the general court of the commonwealth of Massachusetts respectfully urges the Congress of the United States to enact legislation establishing criteria for levels of aircraft noise acceptable to persons on the ground; making it necessary for civil transport aircraft to meet such standards as a condition of federal certification of airworthiness; authorizing establishment of such rules and regulations as may be required to impose such criteria; and providing financial assistance to municipalities and other public bodies which operate airports for the necessary expansion thereof to help resolve the noise problem; and be it further

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

"Senate, adopted, April 30, 1970.

"NORMAN L. PIDGEON,
"Clerk.

"House of Representatives, adopted in concurrence, May 6, 1970.

"WALLACE C. MILLS,
"Clerk."

A resolution adopted by the Allied Council of New Jersey Veterans Organizations, of Teaneck, N.J., commending and supporting the President in regard to the Mideast situation, and urging our Government to continue to support Israel with military material; to the Committee on Foreign Relations.

A resolution adopted by the Allied Council of New Jersey Veterans Organizations, of Teaneck, N.J., praying for the enactment of legislation in regard to destructive violence in colleges; to the Committee on Labor and Public Welfare.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations, without amendment:

H.J. Res. 746. Joint resolution to amend the joint resolution authorizing appropriations for the payment by the United States of its share of the expenses of the Pan American Institute of Geography and History (Rept. No. 91–986).

By Mr. HOLLAND, from the Committee on Appropriation, with amendments:

H.R. 17923. An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–987).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

H.J. Res. 224. Joint resolution to change the name of Pleasant Valley Canal, Calif., to "Coalinga Canal" (Rept. No. 91–988).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, with an amendment:

S. 531. A bill to establish the Capitol Reef National Park in the State of Utah (Rept. No. 91–989); and

S. 532. A bill to establish the Arches National Park in the State of Utah (Rept. No. 91–990).

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

S. 3547. A bill to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes (Rept. No. 91–991).

By Mr. TYDINGS, from the Committee on the District of Columbia, without amendment:

S. 3649. A bill relating to the rental of space for the accommodation of District of Columbia agencies and activities, and for other purposes (Rept. No. 91–992).

BILLS INTRODUCED

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

By Mr. MURPHY (for himself and Mr. CRANSTON):

S. 4033. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians; to the Committee on Interior and Insular Affairs.

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

By Mr. PACKWOOD:

S. 4034. A bill to establish the Cascade Mountain Range Study Commission; to the Committee on Interior and Insular Affairs.

S. 4033—INTRODUCTION OF A BILL TO PROVIDE FOR THE DISPOSITION OF FUNDS APPROPRIATED TO PAY A JUDGMENT TO CERTAIN INDIANS

Mr. MURPHY. Mr. President, on behalf of my distinguished colleague from California, Senator CRANSTON, and myself I introduce for appropriate reference a bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians.

An identical bill was introduced in the House of Representatives on October 16, 1969, by Congressman PETTIS for himself and Congressmen GUBSER, TUNNEY, HANNA, and CORMAN. The Department of the Interior commented on this measure in a letter dated June 18, 1970, and sent to Congressman WAYNE N. ASPINALL, chairman of the House Committee on Interior and Insular Affairs. I ask unanimous consent that this letter be printed in the RECORD with my remarks and the bill I am introducing for Senator CRANSTON and myself. The amendments outlined in the Department of the Interior's communication are acceptable.

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

The bill (S. 4033) to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians, introduced by Mr. MURPHY (for himself and Mr. CRANSTON), was received, read twice by its title, referred to the Committee on Interior and Insular Affairs, and ordered to be printed in the RECORD, as follows:

S. 4033

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the funds on deposit in the Treasury of the United States to the credit of the Chemehuevi Tribe of Indians which were appropriated (by the Act entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1965, and for other purposes," approved April 30, 1965 (79 Stat. 81)) to pay the judgment awarded by the Indian Claims Commission (dockets numbered 351 and 351–A), together with interest thereon, shall be distributed by the Secretary of the Interior (hereafter in this Act referred to as "Secretary") in equal shares to those persons whose names appear on the roll prepared in accordance with section 2 of this Act.

SEC. 2 (a) (1) The Secretary shall prepare a roll of all persons—

(A) who were born on or prior to and living on the date of enactment of this Act;

(B) who are lineal descendants of members of the Chemehuevi Tribe as it existed in 1860; and

(C) whose name or the name of a lineal ancestor appears as a Chemehuevi Indian on any available census roll or other record or evidence acceptable to the Secretary.

(2) Applications for enrollment must be filed in the manner and within the time limits prescribed by the Secretary for that purpose.

(b) Any person who has applied for and has been determined as eligible to share in the awards granted by the Indian Claims Commission in dockets numbered 88, 330, and 330–A, to the Southern Paiute Indian Nation or in dockets numbered 31, 33, 37, 80, 80–D, 176, 215, and 347, to "Certain Indians of California" shall not be entitled to share in the awards granted under this Act.

SEC. 3 (a) The Secretary shall distribute a share payable to a living enrollee directly to such enrollee. The Secretary shall distribute the per capita share of a deceased enrollee to his heirs or legatees upon proof of death and inheritance satisfactory to the Secretary. Sums payable to enrollees or their heirs or legatees who are less than twenty-one years of age or who are under a legal disability shall be paid in accordance with such procedures, including the establishment of trusts, as the Secretary determines to be appropriate to protect their best interests.

(b) Any individual aggrieved by a determination of the Secretary under this Act shall be given an opportunity to be heard upon reasonable notice in accordance with the provisions of chapter 5 of title 5, United States Code. Unless such individual otherwise agrees, the hearing shall be held in the State of California within sixty days of the date of notice. An individual aggrieved by the decision rendered after such hearing shall be entitled to judicial review of such decision in accordance with sections 701–706 of title 5, United States Code.

SEC. 4. No part of any funds distributed under this Act shall be subject to Federal or State income taxes or any lien, debt, or attorney fees.

SEC. 5. The roll prepared by the Secretary of the Interior pursuant to this Act shall not be deemed to constitute the membership roll of the Chemehuevi Tribe.

The letter, presented by Mr. MURPHY, is as follows:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., June 18, 1970.

Hon. WAYNE N. ASPINALL,
Chairman, Committee on Interior and Insular Affairs, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your request for the views of this Department on H.R. 14396, a bill "To provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians."

We recommend the enactment of the bill if amended as suggested in this report.

Funds were appropriated April 30, 1965, to cover the sum of $996,834.81 awarded the Chemehuevi Tribe of Indians in compromise settlement of a judgment of the Indian Claims Commission in dockets numbered 351 and 351–A for inadequate consideration of approximately 3,600,000 acres of land in California and Arizona taken about 1860 without the consent of the Chemehuevis. The bulk of these funds are in United States Treasury bills drawing interest at between seven and eight percent per annum and due to mature July 31, 1970. A financial statement is enclosed.

Attorney fees in the amount of $99,683.48, or ten percent of the total award, were paid August 16, 1965. Attorney expenses of $2,-481.96 were paid on the same date.

The bill authorizes the Secretary of the Interior to prepare a roll of all persons of Chemehuevi ancestry living as of the date of this Act who can establish their Chemehuevi ancestry by any means statisfactory to the Secretary. The bill further authorizes a per capita distribution of the funds, plus interest, awarded in dockets numbered 351 and 351–A to all Chemehuevi Indians on this roll. Shares of deceased enrollees and those who are minors or under a legal disability would be distributed under Secretarial procedures.

Subsection 3(b) provides for a hearing and judicial review before an unnamed person if a party denied enrollment by the Secretary of the Interior was aggrieved by the decision. We recommend that subsection 3(b) be deleted by striking on page 3, lines 9 through 18. It will also be necessary to strike the word "(a)" on page 2, line 24 to make the bill conform.

Adequate safeguards to protect the rights of the individual claimant are provided in the appeal procedures developed by the Secretary of the Interior. This additional procedure would cause an undetermined delay in finalizing the roll of eligible applicants and a like delay in making distribution of the funds. Finally, it would set a precedent for other tribes who were beneficiaries of judgments when the funds were to be paid out per capita or a portion of the funds were to be so paid. To clarify the fact that the Secretary's action in this matter is final, we recommend that on page 2, line 16, after the period, add the following:

"The determination of the Secretary regarding the utilization of available rolls or records and the eligibility for enrollment of an applicant shall be final."

Language has been included in section 4 of the bill that funds distributed per capita under this Act shall not be subject to Federal or State income taxes or to "any lien, debt, or attorney fees." We agree with this position and suggest that on page 3, line 21, strike the period and add "except delinquent debts owed by individual Indians to the United States."

The provision of this bill relating to liens and debts has been included in several of the distribution bills considered by Congress including the per capita distribution of the Cherokee Nation awarded in docket numbered 173, under the Act of October 9, 1962 (76 Stat. 776).

The Department believes generally that Indians should not be exempt from any legitimate lien or debt. We are, however, concerned about pressure brought upon the Indians when an award is granted by the Indian Claims Commission and the judgment disposition legislation is under consideration. The lien provision in past per capita payment proposals has been a device to discourage persons or merchants from selling articles or services to the Indians when a per capita payment from judgment funds was contemplated. We are also concerned about payments to attorneys. In some instances, Indians hire or are sought out by an attorney to trace their Indian ancestry in order to establish their rights to share in an award. This practice has been repeatedly discouraged by this Department on the basis that the Department would do all necessary work to enroll persons and that the employment of an attorney would serve no useful purpose to obtain enrollment for an Indian, as it was the responsibility of the Department to see that all persons entitled to enrollment were enrolled.

We are in agreement with section 5 of the bill which provides that the roll prepared by the Secretary in this Act shall not be the membership roll of the Chemehuevi Tribe. The Chemehuevi people voted on a constitution and bylaws on February 14, 1970, in an election called by the Secretary of the Interior. The constitution and bylaws were adopted by a vote of 161 for, 11 against, and 8 spoiled ballots. Approval of the constitution by the Secretary of the Interior has been delayed pending the outcome of a case brought in the United States District Court, Central District of California, by certain Chemehuevi Indians claiming to be the Chemehuevi Tribe. The constitution includes provisions for membership in the Chemehuevi Tribe. Some Chemehuevis who are presently members of other tribes may not elect to change their membership but they will share in this judgment award; others who share in this descendancy award may not qualify for membership under the provisions of the constitution.

The bill provides that Chemehuevis who applied and have been determined eligible to share in the awards granted by the Indian Claims Commission in dockets numbered 88, 330, and 330–A, to the Southern Paiute Indian Nation or in dockets numbered 31, 33, 37, 80, 80–D, 176, 215, and 347, to "Certain Indians of California" shall not be entitled to share in the awards granted under this Act. While agreeing with this provision, we wish to point out that the figure "33" on line 21, of page 2 of the bill is incorrect and should be deleted and the correct figure "333" inserted after the figure "215," on line 21, page 2, since docket 333 is the correct docket. Similar provisions were part of the judgment fund disposition legislation passed by Congress for the Southern Paiute Indian Nation and "Certain Indians of California." The Indian Claims Commission in a decision entered on July 20, 1964 (13 Ind. Cl. Comm. 369, 515) awarding a judgment to "Certain Indians of California" specifically excluded members of the Chemehuevi Tribe from participating in that judgment. The compromise agreement in the present Chemehuevi dockets by the Indian Claims Commission separated the Chemehuevi and Southern Paiute Indian claims. Therefore, Chemehuevi Indians are not entitled to share in the awards granted to the Southern Paiute Indians or to "Certain Indians of California."

The Chemehuevi Indians have lived near the Colorado River and in the Chemehuevi Valley since aboriginal times but differ linguistically from other Indian groups of that area who are Yuman-speaking peoples. The Chemehuevis were included among the "Indians of the Colorado River and its tributaries" for whom the Colorado River Reservation was established pursuant to the Act of March 3, 1865 (13 Stat. 559), and Executive Orders of November 22, 1873, November 16, 1874, and May 15, 1876.

Many Chemehuevis were allotted on the Colorado River Reservation but some remained in the Chemehuevi Valley and elsewhere. In 1906, it was recommended by a special California Indian Agent that a separate tract of land be set aside for the Chemehuevis of the Chemehuevi Valley in California. On February 2, 1907, the Secretary of the Interior set aside lands for such Indian people; however, between December 1913 and January 1930, most Chemehuevi Indians of the region became associated with the Colorado River Reservation.

By the Act of July 8, 1940 (54 Stat. 144), 7776.14 acres of the Chemehuevi Reservation were sold for the Parker Dam and Reservoir Project. Proceeds from the sale of the land have been placed in the United States Treasury to the credit of the Chemehuevi Tribe. The remaining area of the Chemehuevi Reservation consists of 28,223.87 acres of land, and is largely uninhabited at present although portions of it, particularly those close to the Colorado River, are of value for recreational development.

The Chemehuevi Tribe, as an organized modern entity, has not existed for many years. A sizable number of individuals, although probably still a minority, are present-day members of the Colorado River Indian Tribes. An accurate summation of Indians who possess Chemehuevi Indian blood will not be known until the roll proposed in this Act is prepared. We would estimate that on the basis of preliminary surveys, the rolls should contain the names of 1200–1400 Indians of Chemehuevi ancestry. Because an up-to-date roll of Chemehuevi Indians does not exist, we would propose adding on page 3, following section 5, a new section 6 as follows:

"Sec. 6. The Secretary may make appropriate withdrawals from the judgment funds and interest thereon, using interest funds first, to pay costs incident to carrying out the provisions of this Act."

The Chemehuevi Indians have been badly fractionated over the years. In May 1968, interested Chemehuevis were drawn together for the purpose of selecting a committee to seek solutions to their problems. This committee, which includes a cross-section of all groups of Chemehuevis has worked hard in attempting to organize a modern tribe under a constitution and bylaws. On August 24, 1968, a Special Committee passed Resolution R–68–1 requesting a per capita distribution of their judgment fund. The resolution is enclosed.

A socio-economic report from the Chemehuevi Tribe is not enclosed. As indicated previously, the Indians of Chemehuevi ancestry are in the process of organizing as a modern entity. A majority of those who will probably be eligible under new membership rules are presently members of other tribes. Until organization is completed and the beneficiary interest in the Chemehuevi Reservation is settled, we shall not have the information available to make a socio-economic report.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

FRED J. RUSSELL,
Under Secretary of the Interior.

SENATE RESOLUTION 424—RESOLUTION SUBMITTED TO EXTEND DEEPEST SYMPATHY TO THE PRESIDENT AND THE PEOPLE OF PERU

Mr. SCOTT submitted a resolution (S. Res. 424) to extend deepest sympathy to the President and the people of Peru, which was considered and agreed to.

(See reference to the above resolution when authorized by Mr. SCOTT which appears later in the RECORD under the appropriate heading.)

INCREASE OF THE PUBLIC DEBT LIMIT—AMENDMENT

AMENDMENT NO. 743

Mr. CURTIS (for himself, Mr. HRUSKA, Mr. FANNIN, Mr. PROXMIRE, Mr. THURMOND, and Mr. WILLIAMS of Delaware) submitted an amendment intended to be proposed by them, jointly, to the bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, which was ordered to lie on the table and to be printed.

POSTAL REORGANIZATION ACT—AMENDMENT

AMENDMENT NO. 744

Mr. FANNIN submitted an amendment, intended to be proposed by him, to the bill (S. 3842) to improve and modernize the Postal Service and to establish the U.S. Postal Service, which was ordered to lie on the table and to be printed.

INDEPENDENT OFFICES AND DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT APPROPRIATION BILL, 1971—AMENDMENTS

AMENDMENT NO. 745

Mr. MONDALE. Mr. President, the independent offices and Department of Housing and Urban Development appropriation bill for fiscal year 1971 has been reported by the Senate Appropriations Committee. I am today submitting an amendment to this bill, for myself, Senator CASE, Senator JAVITS, and Senator PROXMIRE.

The purpose of this amendment is to prohibit the use of any part of the NASA appropriation for design and definition of the space shuttle/station. Accordingly, the amendment reduces the appropriation for research and development by $110 million, the amount requested by NASA for design and definition of the shuttle and station.

The proposed shuttle is to be a reusable space vehicle, designed to transport men between earth and a space station in earth orbit. NASA hopes that the station will be capable of supporting men in space for long periods of time.

This project represents NASA's next major effort in manned space flight. The $110 million requested in fiscal year 1971 for design and definition is only the beginning of the story. NASA's preliminary cost estimates for development of the space shuttle/station totals almost $14 billion, and the ultimate cost may run much higher. Furthermore, the shuttle and station are the first essential steps toward a manned Mars landing—a program which could cost anywhere between $50 to $100 billion.

I have seen no persuasive justification for embarking upon a project of such staggering costs at a time when many of our citizens are malnourished, when our rivers and lakes are polluted, and when our cities and rural areas are decaying.

Proponents of the space shuttle station argue that the $110 million requested for this project is only for design and definition—that it is only "preliminary work" to determine whether we should proceed further with the project.

But this is not a minor expenditure; $110 million is more than the administration has budgeted for fiscal year 1971 to combat air pollution; it is more than the cost of the special milk program, which the President wants to terminate as an "economy measure"; and it is twice what we spend for one of our most effective antipoverty efforts, the legal services program.

And if the past is any guide, NASA will ask Congress next year for several hundred million more for this project, and return again and again for hundreds of millions to continue its development. Congress will then be told that it is too late to stop the project—too late because of the enormous funds already invested.

I do not think that the American taxpayer is ready to back into a commitment to spend billions of dollars to support men in a suitable space environment when our environment on earth desperately needs attention; and I do not think that he is ready to back into a commitment to land a man on Mars.

Even if it were clear that the American people were willing to pay for this "new era in manned space flight," it is premature to begin development of the shuttle and station. For this project is based on the assumption that man can function effectively in a space environment for long periods of time. At this point, however, the feasibility of long-termed manned space flight is undetermined. Indeed, the recent Soyuz space mission raised doubts in the minds of both Soviet and American scientists about man's adaptability to such long-termed space flight.

NASA hopes to settle this question with its "sky lab" missions—which will place men in earth orbit for up to 56 days. But these experiments will not be completed until 1973, and until this time, many unanswered questions about the biomedical effects of long-duration space flight will remain.

Thus, even aside from the basic question whether this country should begin a new, large-scale manned space effort, it would be a mistake to begin such an effort in this fiscal year. After spending millions of dollars to develop a space shuttle/station, it may be determined that long duration space flights are not feasible.

I do not oppose future space exploration. As a former member of the Senate Aeronautical and Space Sciences Committee, I know the value of such exploration. But I also know that some of our most eminent scientists strongly maintain that we must achieve a better balance between manned and unmanned flights. For example, Dr. James Van Allen and others argue that unmanned flights are far cheaper and yield better scientific data than manned flights.

Unfortunately, NASA plans to move further in the direction of emphasizing manned space flights. The space shuttle/station will insure the dominance of the manned space program for years to come. In reaction to NASA's preoccupation with manned flights, an impressive list of scientists have already resigned from the space program—including the chief scientist, the director of the Lunar Receiving Laboratory, and two scientist-astronauts.

Congress must reexamine the premises of our entire space program. In particular, before appropriating funds for development of this space shuttle/station—which will create a commitment to costly manned space operations—we must first determine whether man can even survive long-duration flights. At that time, we can then decide whether this Nation is willing to bear the burden of the enormous costs required for such an ambitious manned space effort.

I urge all those who are concerned about distorted priorities to support our amendment.

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

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

The amendments (No. 745) are as follows:

On page 20, line 11, strike out $2,606,100,000" and insert in lieu thereof $2,496,100,000".

On page 20, line 12, insert before the period a colon and the following: *"Provided,* That this appropriation shall not be available for the design or definition of any space shuttle or space station".

AMENDMENT OF THE FOREIGN MILITARY SALES ACTS—AMENDMENTS

AMENDMENT NO. 746

Mr. JACKSON (for himself, Mr. MCGEE, and Mr. PACKWOOD) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 15628) to amend the Foreign Military Sales Act, which was ordered to lie on the table and to be printed.

NOTICE OF MOTION TO SUSPEND THE RULE—AMENDMENT TO DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION BILL, 1971

AMENDMENT NO. 747

Mr. HOLLAND submitted the following notice in writing:

In accordance with XL, of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to suspend paragraph 4 of rule XVI for the purpose of proposing to the bill (H.R. 17923) making appropriations for the Department of Agriculture and related agencies for the

fiscal year ending June 30, 1971, and for other purposes, the following amendment, namely:

Page 26, after line 23, insert the following:

INDEMNITY PAYMENTS TO DAIRY FARMERS

For necessary expenses involved in making payments to dairy farmers who have been directed to remove their milk from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, $500,000: *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government.

Mr. HOLLAND also submitted an amendment, intended to be proposed by him, to House bill 17923, making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

(For text of amendment referred to, see the foregoing notice.)

ADDITIONAL COSPONSOR OF AMENDMENT

AMENDMENT NO. 739

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from New York (Mr. JAVITS) be added as a cosponsor of amendment No. 739 to the postal reform bill.

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

NOTICE OF HEARINGS IN UTAH ON TAR SANDS BILLS

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee, I announce that public hearings will be held July 13 in Salt Lake City, Utah, on S. 581 and S. 582. These are twin measures I introduced to permit the development of the very substantial tar sands, or bituminous sands, deposits of Utah. These deposits are a highly valuable resource for meeting our ever-increasing needs for supplies of oil and gas within our own country.

When in 1960 I participated in writing the bituminous sands amendments into our major overhaul that year of the Mineral Leasing Act, I thought the legal problem was solved concerning the development of these deposits. However, in operation, problems arose over the potentially conflicting rights of the oil and gas lessee and those of the bituminous sands lessee.

The bituminous sands lessee can mine the sands and extract oil from them. But does he have the right to extract the oil from the sands by the in situ method? Or does this right belong to the oil and gas lessee who traditionally has been able to introduce pressure maintenance, fire flooding, or other methods to increase recovery from an oil well? Since both of these leases are issued on the same tract of land, this is a very real problem.

In 1966, in answer to my request, an opinion was rendered by the Department of the Interior that the bituminous sands lessee could develop a deposit by the in situ method. But because of the possible legal complications arising from this problem, the Department of the Interior has not issued any more bituminous sands leases. This is holding up the development of one of Utah's great mineral resources.

In this Congress the bills I introduced, S. 581 and S. 582, offer a choice of different legislative solutions.

The first authorizes the Department of the Interior to issue a single hydrocarbon lease which would cover all hydrocarbon removal from beneath the surface. The second bill authorizes the Department to issue both a bituminous sands lease and an oil and gas lease covering the same tract of land, but issued to a single party.

Only one of these bills needs to be passed since they are different solutions to the same problem. The hearing in Salt Lake City is being held to engender discussion of the problem so that we can find the best solution.

Persons interested in offering views or recommendations at these hearings are requested to notify the staff of the Interior Committee, room 3106, New Senate Office Building, or my Salt Lake City office, 5430 Federal Building.

NOTICE OF HEARINGS ON CALIFORNIA OIL SPILL BILLS

Mr. MOSS. Mr. President, on behalf of the Minerals, Materials, and Fuels Subcommittee of the Senate Interior Committee, I announce that public hearings will be held in the Interior Committee room July 21 and July 22 on a number of bills growing out of the tragic oil spill last year from a Federal lease off Santa Barbara, Calif. The most recent of these bills, S. 4017, is a measure drafted and submitted by Secretary Hickel and introduced on June 24 by Senator MURPHY of California.

S. 4017 provides for a legislative taking of 20 of the 72 Federal leases in the Santa Barbara Channel, and the unitization of three producing leases there. Compensation to the holders of the canceled leases, which probably will amount to some hundreds of millions of dollars, is to be made from a special fund established in the Federal Treasury by the bill. Money for the fund will come from increased production of oil and gas from naval petroleum production No. 1, known as Elk Hills, and sold on the open market by competitive bidding.

In addition to the administration bill, Senator CRANSTON's S. 3093, creating marine sanctuaries, will be the subject of the July 21–22 hearings, as will S. 3516, by Senator MUSKIE; S. 3351 and S. 2516 by Senator MURPHY also; and S. 1219 by Senator CRANSTON.

While S. 4017 was submitted by executive communication which constitutes a statement of the administration's position, no reports have been received on any of these other measures except S. 1219, on which the administration's position was negative.

The Interior Committee is inviting Secretary Hickel to appear personally at our hearing and discuss this measure as well as the other bills. It is the committee's earnest hope that the Secretary will accede to our request and be with us personally.

It will be recalled that the subcommittee has held two previous hearings on matters related to the Santa Barbara spill. On May 19 and 20, 1969, we held hearings in Washington, and on March 13 and 14 this year we went out to Santa Barbara and held hearings in the area itself.

All interested Members of Congress are invited to participate in these hearings, as are members of the public who wish to express views or offer constructive suggestions. It is requested that the committee staff be notified.

ADDITIONAL STATEMENTS OF SENATORS

NEVER FORGET

Mr. HRUSKA. Mr. President:

The world will little note, nor long remember, what we say here, but it can never forget what they did here.

So said our President at Gettysburg, many years ago, as he dedicated that battlefield to the everlasting memory of the men, on both sides, who fought there. Lincoln was, of course, wrong in one sense, for although the memory of those heroic men was not forgotten—and let us hope that it never will be—the words Lincoln spoke have also rung loudly down the corridors of time.

Now there is another group of men, equally dedicated to the good of their country, who also can never be forgotten. I refer, to our prisoners of war held by North Vietnam. Shall we honor our dead, who can suffer no more, more than these living, who continue to suffer?

Mr. President, no more disgraceful chapter has been written in the history of man's treatment of his fellowman than that being composed at present by North Vietnam.

SENATOR MAGNUSON—LEADER IN HEALTH CARE AND HEALTH RESEARCH LEGISLATION

Mr. KENNEDY. Mr. President, the distinguished senior Senator from Washington (Mr. MAGNUSON) has long been a leader in the field of health care and health research legislation. He was a sponsor of the original legislation establishing the National Cancer Institute, the National Institutes of Health, and the National Science Foundation.

Last year, as the Senate knows, the Senator from Washington succeeded the almost legendary Senator from Alabama, Mr. Hill, as chairman of the Appropriations Subcommittee on the Departments of Labor, and Health, Education, and Welfare, and related agencies. This is a difficult job, perhaps one of the most difficult in the Senate, but it is a critically important job that the Senator from Washington accepted willingly.

Last week, Chairman MAGNUSON opened his hearings on the 1971 Health, Education, and Welfare budget. I was privileged again this year to be the first witness to appear before the subcommittee Although Chairman MAGNUSON had

a list of literally dozens of witnesses for each day of this first 3-day set of hearings, he listened to my testimony and the testimony of all other witnesses at length, questioning and commenting throughout. His dedication to his task, and his ability to deal with each of the many programs under consideration, is testimony itself to the Nation's fortune in having him as chairman of this vital subcommittee.

I invite the attention of the Senate to Chairman MAGNUSON's opening statement at those hearings, because I think it is one of the most significant statements made in recent months concerning the priorities of the Nation. Senator MAGNUSON pointed out, for example, that health care in the United States not only is not improving either in quality or availability, but is actually declining, and threatening to decline even more sharply in the future.

My temptation is to paraphrase this entire opening statement, but I will let the Senator's own words speak for themselves. Reading these words, the Senate will recognize what we in the hearing room recognized as soon as the Senator had finished his statement: In Senator MAGNUSON the Senate has a leader whose belief in the need for better health care, more intensive medical research, and higher levels of health manpower will help us to solve what he has termed one of the most urgent crises in our Nation today.

Mr. President, I ask unanimous consent that Senator MAGNUSON's opening statement at the Appropriations Subcommittee hearing be printed in the RECORD.

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

CHAIRMAN MAGNUSON'S OPENING REMARKS

Before we call the first of any very distinguished witnesses, I would like to make an expression as Chairman of this subcommittee. Two factors are indelibly impressed on my mind.

The first is the memory of last year's Presidential veto of the HEW appropriations passed by the Congress. At that time, what we considered to be the absolute minimum acceptable appropriation was vetoed by the President on the grounds that such a level of funding was "inflationary."

I will not dwell on this because the action taken is now history, although the soaring pace of inflation is far more apparent today than it was a year ago and our health delivery system is still in shambles.

The second factor is that the United States still stands on the brink of a health crisis whose proportions defy adequate description. This crisis extends from our medical schools to our hospitals, from our laboratories to our clinics. The dimensions of this crisis are stark. The United States today is not even among the leading nations of the world in life expectancy of men, women, or infants. We are producing new doctors at a rate of fewer than 9,000 per year; we are lagging in health research; we lack adequate facilities to apply the fruits of accomplished research to the health care needs of our expanding population.

What this means is simply: unless present trends are substantially changed, the quality and availability of health care to the American public not only will not improve, but will decline precipitously, in the years ahead.

Let me say that I reject explicitly the notion that higher federal investments in health care, health manpower, and medical research are inflationary. On the contrary, the spiraling costs of medical care, and the restricted access to such care, especially by the poor, are the direct results of too few doctors, too little research, and too little support for federal health programs authorized by law. Higher selective investments in federal health programs not only will help to reduce inflation in the field of health care but are absolutely essential if this nation is to meet the health crisis that now besets us. No crisis, either at home or abroad, deserves higher priority than this.

The budget requests of the Administration this year simply are not adequate to cope with this crisis. The amounts requested will only perpetuate the high cost of health care, the inadequate investment in health manpower, and the dismal state of medical research in this nation. These amounts represent a tragic neglect of the true needs of the American people, and a fallacious analysis of the true causes of inflation. Doubling our investment in health manpower, for example, would double the size of our annual graduating class of health professionals by 1976. This, perhaps more than any other single action, would dramatically reduce the inflation in the price of health care.

These hearings begin, therefore, with a solemn recognition of our needs. And they begin with the determination of this Chairman not to be cowed by any administration threat and a further determination to recommend the amount of funds this Committee deems necessary. I accepted this post as Chairman of this subcommittee because I believed that the health and welfare of our people must be an urgent concern of this government. In my second year as Chairman, I am even more determined and more convinced that more must be done. I advise all witnesses that the Subcommittee will consider testimony in this light, and I advise the President that this Subcommittee cannot and will not abdicate its responsibility to the improvement of health care, medical research and manpower training here in the United States.

TONKIN REPEAL

Mr. YOUNG of Ohio. Mr. President, the New York Times in its issue of June 27 published an editorial on the repeal of the Gulf of Tonkin resolution.

The Gulf of Tonkin joint resolution was passed by the Senate on August 7, 1964, as a result of misrepresentations made to the President and to the Senate by top U.S. naval officers in the Pacific.

It was reported that the destroyer *Maddox* was on a routine mission in the Gulf of Tonkin, whereas in truth and in fact the destroyer *Maddox* was on an intelligence-collecting mission in the Gulf of Tonkin close to North Vietnam naval installations. The facts were misrepresented by the admirals in the Southwestern Pacific area, including Admiral Moorer.

The factually correct statement of Captain Herrick, commanding both the destroyers *Maddox* and *Turner Joy*, was intercepted and was not sent on to Secretary of Defense McNamara. Time and events have shown that there is no truth to the allegation that the destroyer *Maddox* was attacked during the nighttime of August 4 and that there was no North Vietnam submarine firing torpedoes anywhere near the *Turner Joy* or *Maddox*. There was no damage whatever to either of our destroyers. There was a lack of candor on the part of the admirals in command in the Pacific area. In fact, when a few hours later, Captain Herrick, commanding the destroyers *Maddox* and *Turner Joy*, reported that sonar sounds had led to the first report that torpedoes had been fired by the North Vietnamese, this corrective report was intercepted.

Due to misrepresentation amidst a flurry of half-truths and outright misrepresentations of fact, the Gulf of Tonkin resolution was passed by the Senate on August 7, 1964.

President Johnson then used this resolution as the basis for his waging a war of aggression in Vietnam. At that time only two Senators voted against the Gulf of Tonkin resolution hurriedly drafted and brought before the Senate for vote. Those two were Senators Wayne Morse, of Oregon, and Ernest Gruening, of Alaska.

On March 1, 1966, I was one of five Senators who then voted to repeal the resolution and rescind a disastrous mistake. Those five Senators in addition to the senior Senator from Ohio were Chairman J. WILLIAM FULBRIGHT, of the Foreign Relations Committee, and Senators MORSE, GRUENING, and MCCARTHY.

Mr. President, this editorial entitled "Tonkin Repeal" published in the New York Times states in part:

Whatever the intentions of some of those who voted for repeal, the Senate's overwhelming renunciation of the Tonkin Gulf resolution represents a significant reversal of congressional support for the Indochina war and a strong legislative commitment to move forward with the promised withdrawal.

Mr. President, I ask unanimous consent that the editorial entitled "Tonkin Repeal" be printed at this point in the RECORD.

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

TONKIN REPEAL

The Senate has repealed the Tonkin Gulf resolution with the same haste and confusion of purpose that attended its adoption six years ago.

Administration supporters, who pushed the repeal to a vote before the Senate had an opportunity to debate it at length, maintain that the Tonkin resolution has become unnecessary to justify the continuing American presence in Indochina. They sought by their action to minimize the significance of the separate repeal move initiated by Senate doves.

A more serious and, in our view, more correct interpretation of the importance of the Tonkin resolution was offered by the State Department last December. In opposing burgeoning repeal sentiment, the department then argued that the resolution had "consequences for Southeast Asia which go beyond the war in Vietnam."

The authorization the resolution gave 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" in Southeast Asia, was in fact the principal legal justification for President Johnson's commitment of combat troops to Vietnam. It also provided the underpinning for every other act of escalation in Southeast Asia. Removal of this Congressional blank check significantly diminishes the President's constitutional position on military operations in Indochina.

Now, however, the Administration asserts

that its actions in Vietnam and Cambodia are validated by the President's constitutional power to protect the lives of American troops. Yet, once the original authority for the presence of those troops in Southeast Asia has been removed, the Commander in Chief's protective powers must clearly be confined to steps necessary to insure their safe and expeditious withdrawal.

Whatever the intentions of some of those who voted for repeal, the Senate's overwhelming renunciation of the Tonkin Gulf resolution represents a significant reversal of Congressional support for the Indochina war and a strong legislative commitment to move forward with the promised withdrawal.

It should also serve as a deterrent to prolongation of the current creeping United States intervention in Cambodia. That Presidential initiative can best be checked by prompt Senate adoption, without further modification, of the Cooper-Church amendment to the foreign military sales act.

COMMENT BY ARKANSAS DEMOCRAT ON THE VICE PRESIDENT

Mr. FULBRIGHT. Mr. President, the Arkansas Democrat, one of the fine newspapers of my State and the leading afternoon newspaper, carried a penetrating and perceptive editorial on June 24 about the President of the Senate.

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:

SPIRO THE TERRIBLE

Well, now we know that President Nixon hasn't given Spiro Agnew the word to cool it rhetorically. The vice president came on like gangbusters over the weekend. Like one of those late-afternoon Arkansas thunderheads, he loosed epithets like so many lightning bolts at the whole gamut of Vietnam dissenters, and rained insults and gibes on the just and the unjust, from Senator Fulbright to poor old Averell Harriman.

We don't know what provoked him this time (these convective thunderstorms are unpredictable and often spring up unexpectedly out of thin air), but his wrath was so awfully thorough—we won't say thoroughly awful—that we hesitate to ask him to hold up and calm down for a moment. It might stir him up about Instant Analysis again, and we consequently might find ourselves mysteriously transformed tomorrow morning into a pillar of salt or something. Despite the risk, though, we want to raise a meek point or two.

First off, we wish Mr. Agnew would quit all this agitating phrasemongering that he's gotten so fond of. This time he called a group of senators—including one of ours—"Sunshine Patriots." The implication is clear enough—isn't it?—that they are also Rainy-day Traitors. This makes for a You're-Another type of dialogue that is more suited to kids playing sandlot marbles than to discourse between grown men debating the destiny of, among other things, a half a million American soldiers.

We wonder how effective has all this name-calling been, anyway? Does anyone remember who it was Mr. Agnew called Effete Snobs? And who was it he described as Ideological Eunuchs? And Parasites of Passion? And Self-annointed Jeremiahs? Did any of that invective convert anybody to the Administration's position on Vietnam?

On the other hand, it has surely helped undermine another of the Administration's goals—that of bringing the country together again. You don't heal wounds by calling names. You don't touch a people's spirit by inciting them against straw men. We already have too many people running around this society trying to romanticize and etherealize mindless slogans and empty shibboleths; and it's an intellectual disgrace that we haven't told more of them to go soak their heads. What we need in this country's leadership is someone who will try, however awkwardly, to speak to people's hearts for a change, instead of to their glands.

While he was at it, Mr. Agnew said the Administration wouldn't have time hereafter to listen to voices like Senator Fulbright's, which he considers defeatists. Well, narrowmindedness always makes things look simpler and rosier than they are, but we remember President Nixon saying once that he didn't have much use for yes-men, and we hope he remembers what Judge Learned Hand once said: that the spirit of liberty is the spirit that is not too sure that it is right.

We're not sure exactly how they'd go about ignoring Senator Fulbright anyway, even if they made a concerted effort at it. It would be sort of like trying to ignore your nagging wife. We suppose there's always the chance that the President would compensate for trying to ignore Fulbright by also trying to ignore Agnew, but either task would be ill-advised and probably futile; besides which wouldn't consider it a fair and equitable swap, and would oppose it resolutely.

WITH THE BARK ON—ADDRESS BY THE VICE PRESIDENT

Mr. HANSEN. Mr. President, the Vice President of the United States is distinguishing himself in two ways: Unlike many of his predecessors who were seldom seen or heard, SPIRO T. AGNEW is both visible and outspoken.

Furthermore, public opinion polls—his critics to the contrary notwithstanding—clearly reflect the ability of the Vice President to speak for and reflect the sentiments of a majority of Americans.

The attention he receives naturally gives rise to what he says—precisely what he says. In order that Members of Congress may make their judgments on fact, rather than hearsay, I ask unanimous consent that his recent speech, given at the Ohio Republican dinner in Cleveland, Ohio, on June 20, 1970, be printed in the RECORD.

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

ADDRESS BY THE VICE PRESIDENT—OHIO REPUBLICAN DINNER

Most people would consider it predictable and rational for a Vice President of the United States to look to his predecessors in that office for enlightenment and guidance. The Office itself has been maligned and ridiculed over the years, mainly because its principal constitutional importance is contingent. Yet, the Vice Presidency has been viable and productive under strong and imaginative Presidents.

Over the period of our history, our Vice Presidents themselves have covered a range from effective to extraneous. Some have slid lazily into the Vice Presidency as though it were a warm bath, treating it as a well deserved sinecure. Others have sulked and fretted in its ego-starving grasp, feeling pangs akin to unrequited love. Presidential rockets that have fallen slightly short of that target have settled into the placid orbit of the Vice Presidency, bringing about only dissatisfaction and four years of reflecting on what might have been.

Among my predecessors in this singular office have been some of the greatest men in American history, men who often said things worth remembering. Today the advice of one Texas Vice President sticks in my memory—it was an injunction made four decades ago by Cactus Jack Garner, who said often that there came a time in a public man's life—"when you have to give it to 'em with the bark on."

That is the way it is going to be tonight.

I am too new to national politics to burn incense before the idols of custom and usage—but I do hold dear an honored tradition of national policy: When American men are fighting and dying in foreign fields, petty partisan politics must not threaten the safety of those who fight or desecrate the graves of those who died.

Though this is a gathering of Republicans, I am not going to talk about Republicans today, but about patriots—of both Parties, men who have held to this principle—not when the going was easy, but when the going was hard. And I am going to talk about another kind of politician in ascendancy in American public life. And I am also going to talk about Cambodia.

Any man who followed the 1968 campaign knows how Richard Nixon conducted himself on the issue of the war in Vietnam. Again and again he said that America has one President at a time; that Lyndon Johnson was that President; that as long as President Johnson was trying to negotiate a just peace in Asia, Presidential candidate Nixon would do *nothing* to diminish or hinder his chance to win that peace. I followed the same course.

That traditional statesmanship seems no longer in vogue among the new species of politician that now, emboldened, emerges as a voice demanding attention in the United States Senate.

For 16 months we have observed this "new breed," but before discussing that, I want to talk of two men—not of my Party—two statesmen of an old and I believe a better tradition.

The first of these is President Nixon's predecessor. As a Republican, I found much to dispute in his domestic policies and much to criticize in the men he selected to implement them. But I was convinced of his sincerity and his statesmanlike attitude regarding the Vietnamese involvement he inherited from his predecessor. As Governor, I supported him publicly and strongly on that issue. Today, whenever President Nixon has called for counsel, support or assistance in that agonizing war, Lyndon Johnson has unhesitatingly answered the call. In my opinion, his selfless attitude merits the respect of all Americans.

The second of these statesmen is the former Secretary of State of the United States, Dean Rusk. In eight difficult years of office, Mr. Rusk, sniped and carped at constantly by lesser men, gave to his country an example of personal courage, perseverance, loyalty and wisdom that will be the yardstick against which present and future Secretaries will be measured.

Secretary Rusk, however, performed another service to his country. Through the cogency of his arguments, his tireless adherence to relevant facts, his serenity and good humor in the face of testy assaults of the Chairman of the Foreign Relations Committee—he showed future generations how a dedicated public servant should conduct himself when harassed and nettled by an antagonist in a position of great power.

Today, this same antagonist, Mr. Fulbright, is attempting to forge chains upon President Nixon's freedom of action—legislative shackles that would deny the President the authority and freedom he needs to protect American troops in the field and to win an honorable and just peace in Asia.

But, it was another Fulbright singing another tune nine years ago, when he wrote:

"The source of an effective foreign policy under our system is Presidential power. This

proposition, valid in our own time, is certain to become more, rather than less, compelling in the decades ahead . . ."

"The dynamic forces of the 20th century—Communism, fascism, aggressive nationalism, and the explosive awakening of long quiescent peoples—are growing more and more unmanageable under the procedures of leisurely deliberation which are built into our Constitutional system. To cope with these forces we must be able to act quickly and decisively on the one hand, and persistently and patiently on the other . . ."

"The President is the symbol of the nation to the external world, the leader of a vast alliance of free nations, and the prime mover in shaping a national consensus on foreign policy. It is important to note, however, that while this responsibility is indeed very broad, his authority is often infringed upon or thwarted in practice by unauthorized persons."

The truth of what Senator Fulbright wrote in that article nine years ago has not changed—the world he wrote of then is not dissimilar from the world of 1970. What has changed is Mr. Fulbright.

Outraged, he now almost daily condemns the "arrogance" of American involvement in Southeast Asia.

Let me read you Fulbright's own testimony on behalf of the Tonkin Gulf Resolution in 1964 which authorized President Johnson to act:

"Mr. President, I recommend the prompt and overwhelming endorsement of the Resolution now before the Senate. The Resolution, which has been approved by the Committees on Foreign Relations and Armed Services with only one dissenting vote, endorses the wise and necessary action of President Johnson in ordering the 7th Fleet and its air units to take appropriate measures in response to the unprovoked attacks on American Naval vessels by North Vietnamese torpedo boats. *The Resolution further expresses the approval and support of the Congress for the determination of the President to take such action as may be necessary, now and in the future, to restrain or repel Communist aggression in Southeast Asia.*"

"The action taken by the United States in retaliation for the North Vietnamese torpedo boats attacks must be understood both in terms of the immediate situation and in terms of the broader pattern of Communist military and subversive activities in Southeast Asia over the past ten years. *On both levels the North Vietnamese regime is patently guilty of military aggression and demonstrably in contempt of international law.*"

There six years ago, stood Fulbright, statesman, first mate on the American ship of state, rallying almost to a man the whole crew of the Senate behind his Commander-in-Chief—to see through to an honorable end an allied effort against Communist aggression.

In 1964, when the winds and tides were favorable, the military outlook promising, the American ship of state sailed on with the enthusiastic backing of Senator Fulbright and his contented crew.

But when the seas became choppy, the storm clouds arose and the enemy stubbornly resisted, one could soon glance down from the bridge and see Senator Fulbright on the deck demanding that the ship be abandoned and staking out a claim to the nearest life boat.

The same Fulbright who propounded, enunciated and supported American policy against aggression in Asia six years ago, now claims that if our policy is not abandoned—"The best of our young people" will be in Canada.

There is logic in Senator Fulbright's esteem for those taking refuge in Canada—for Fulbright himself has apparently abandoned America's cause of a non-Communist future for Southeast Asia.

Senator Fulbright has said on more than one occasion that it "does not matter very much who rules in those small and backward lands." Douglas Pike, perhaps the west's foremost expert on the Viet Cong, estimates that control of South Vietnam by the V.C. could mean a death list of three million people—three million human beings who cast their lot with the United States.

But summertime soldiers and the sunshine patriots are found in both political parties. We have our own. The Mayor of New York City said recently that the "real heroes" of this war were those who publicly refused to go into military service.

Let Mayor Lindsay laud those "heroes" of his. I share the sentiments of the hundred thousand New Yorkers, some in hard hats, some in white collars, who marched peacefully down the streets of their city under their country's flag several weeks ago. They marched in tribute to their sons and brothers who are fighting 10,000 miles away in one of the most selfless causes this nation has ever undertaken.

No, our heroes aren't the boys who ran away to Sweden and Canada; our heroes are the men who are standing fast in Cambodia and Vietnam.

And what is one to believe is the position of the senior Senator from Massachusetts, Edward M. Kennedy?

In August of 1968, just prior to the Democratic convention, Senator Kennedy put forth to the world his program for peace in Vietnam. Let me read it to you:

"Specifically, our government should undertake as soon as possible:

First, to end unconditionally all bombing of North Vietnam;

Second, to then negotiate with Hanoi the mutual withdrawal from South Vietnam of all foreign forces, both allied and North Vietnamese;

Third, to accompany this withdrawal with whatever help we can give to the South Vietnamese in the building of a viable political, economic and legal structure that will not promptly collapse upon our departure; and

Fourth, to demonstrate to both Hanoi and Saigon the sincerity of our intentions by significantly decreasing this year the level of our military activity and military personnel in the south."

As the Senator recommended, the President has stopped all the bombing of the north. He has cut all air operations over 20 per cent. He has announced the withdrawal of more than a quarter of a million men. He has offered to withdraw all our men if they will withdraw theirs. He has agreed, along with the South Vietnamese to abide by the outcome of internationally supervised free elections. Every offer to negotiate we have made to the enemy remains on the table.

That August, Senator Kennedy said: "These steps would enable us to end our participation in this war with honor . . ." Well, we have taken all those steps and more—and the enemy has not reciprocated a gesture.

The Senator's program and ideas were tried in their entirety, and they have not moved the enemy an inch toward peace. Yet the Senator persists in blaming the continuation of the war on the lack of United States initiatives. Well, the President of the United States is not listening to the counsel of defeatists who blame every deadlock at the conference table and every impasse in negotiation on the United States.

It was President John F. Kennedy who first made the major American commitment to the independence of South Vietnam. His brother, who now attacks President Nixon for persevering for the same objective might, from time to time, recall John Kennedy's eloquent words:

"Let every nation know," he said, "whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, in order to assure the survival and the success of liberty."

That was when John F. Kennedy led the Democratic Party; you must travel far and listen long before you hear sentiments like that from the current crop who claim to be heirs to his legacy.

It is not President Nixon blocking the road to peace; it is Hanoi—and Hanoi's most effective—even if unintentional—apologists today are not in Paris; they are in the United States—they are in high places, and their prescription for ending the war amounts to surrender.

But the views I have cited thus far are the views of inveterate politicians tacking to the prevailing winds. Let us turn now to some of the architects and engineers of American policy in Vietnam—individuals now trying, through copious writings and speakings—to cover their tracks—to clean up the mess they have made—and to rewrite history in the process.

The first such study is Mr. Clark Clifford, who now claims that as far back as March of 1968 he began to entertain grave doubts about America's effort in the war. Yet, months later in May of 1968, as Secretary of Defense he told Congressional Committees in hawkish terms that he believed deeply in our continuing commitment in Southeast Asia. On September 10, he reiterated the same position, announcing we intended to build toward a force of 549,500 men in Vietnam.

Mr. Clifford's current writings seem to emanate from a deep desire to convince his friends that he was an early convert and to a late-blooming opportunist who clambered aboard the rolling bandwagon of the doves when the flack really started to fly.

On January 28, 1968, Mr. Clifford was quoted in the *New York Times* as saying, "If we pull out of South Vietnam there will be the most incredible blood bath since Hitler killed six million Jews."

On October 15, 1969, the *Washington Star* reported that Clifford stated that Senator Charles Goodell's proposal to withdraw all American troops from South Vietnam by December 1, 1970, was "both unrealistic and impractical," and would result in a "bloodbath" in that country, in the "collapse of the military and the collapse of the government" and that "the resulting 'bloodbath' would be on our conscience . . . for a long period of time."

Not long ago, Mr. Clifford, writing in *Life* magazine asserted:

"The national security of the United States is not involved in Vietnam, nor does our national interest in the area warrant our continued military presence there . . ."

"It is time now to end our participation in the war. We must begin the rapid, orderly, complete and scheduled withdrawal of United States forces from Indochina."

Such things as the national "consciences" and the "bloodbaths" have become peripheral considerations in Mr. Clifford's anxious campaign to reinstate himself in the good graces of his old friends.

When Mr. Clifford was Secretary of Defense, on *September 10, 1968*, he said, and I quote:

"We had no plan to reduce the number of troops in Vietnam at all . . . I could not predict the return of any troops in 1969. I want to today reiterate that position. We have not yet reached the level of 549,500 in South Vietnam. We intend to continue to build toward that level. *We have no intention of lowering that level either by next June* (1969) *or at any time in the foreseeable future.*"

Yet when President Nixon in 1969 took office, pulled out 65,000 troops, and announced the withdrawal of the 115,500 American men he has now withdrawn—he earned from Clifford the snide criticism that he

was not moving fast enough. Like an overconfident attorney, bested in court, the Clifford responses carried the unmistakable sting of envy and the aroma of sour grapes.

On August 15, 1968, Clifford, speaking as the Secretary of Defense, protested against the concept of enemy sanctuaries in vigorous terms.

"I think," he said, "it unwise to sit back in protected areas and just permit the enemy to mount its offensive exactly as he sees fit; that is, to mass his men at certain areas, to mass his supplies at certain areas, without any interference from us."

Yet, when President Nixon took what the widely respected Asian expert Denis Warner has termed "one of the boldest and bravest political acts of our times," to clean out those Cambodian sanctuaries from which American men were being slaughtered with impunity—the great patriot Clifford wrote in *Life* magazine, ". . . I cannot remain silent in the face of his reckless decision . . ."

Let us turn our attention for a moment to the reluctant draftee of the Democratic Party—or perhaps I should say the draftee of the reluctant Democratic Party—Mr. Lawrence O'Brien. It took the combined muscle of all the liberal forces to persuade him to become National Chairman. Now he uses that position to rail against the war he used to defend to the hilt. He will not march behind a Commander-in-Chief riding an elephant, but he will dash unhesitatingly into battle behind one perched upon an ass. But Mr. O'Brien sank to an unbelievably low point when he broadly hinted that the President's personal comments had a causal connection with the deaths of the students at Kent State. The desperation in that mean sniping discredits the many statesmen in his Party.

When the United States went to the negotiating table at Paris in May of 1968, we were confronted by the toughest of negotiators—revolutionaries of a brutal Communist regime that had battled for power for a decade—the aces in Hanoi's diplomatic deck. Against them we dealt Harriman and Vance—a pair of deuces.

In a speech six months ago, I responded to Harriman's incessant carping at the President. For that criticism I received the opprobrium of all those who revere Mr. Harriman as the epitome of a diplomat. I do not share that view.

As one looks back over the diplomatic disasters that have befallen the west and the friends of the west over three decades at Tehran, Yalta, Cairo—in every great diplomatic conference that turned out to be a loss for the west and freedom, one can find the unmistakable footprints of W. Averell Harriman.

It was Mr. Harriman as our Ambassador at Moscow who told the Polish Committee of National Liberation that the United States would not oppose Russian wishes on the Polish question—which effectively doomed any chance for the freedom of Poland, which of course was why the war had begun. A month after returning to the United States from his wartime chores in Moscow, Mr. Harriman was the grateful beneficiary of two fine thoroughbred horses—compliments of J. V. Stalin.

The disastrous wartime conference with the Soviets was not the last time that Mr. Harriman's penchant for trusting Communists has cost some peoples their freedom and others their lives. Speaking of the 1962 Geneva Agreement—where Harriman bought the package deal of Hanoi and Moscow—Mr. Harriman stated, we got "a good agreement, better than I thought we would work out."

Mr. Robert Elegant of the *Los Angeles* Times describes it today a bit more accurately:

"The Geneva Agreement Ambassador Harriman signed in 1962 willfully ignored the certainty of Hanoi's using the [Ho Chi Minh] trail to invade South Vietnam—and made the conflict there inevitable . . . The Communists' chief channel for supplies and reinforcements, now doubly important . . . is sometimes—unkindly, but accurately—called the Averell Harriman Memorial Highway."

Down Mr. Harriman's highway have come half a million North Vietnamese troops to bring death to thousands of Americans and hundreds of thousands of South Vietnamese.

In 1968 we sent this negotiator to Paris to bargain for peace—and he succeeded in booting away our greatest military trump—the bombing of North Vietnam—for a mess of porridge.

Let me read you briefly what Mr. Harriman stated in Paris in 1968 in high praise of our government ally in South Vietnam:

"The Government of the Republic of Vietnam, in the face of terror and subversion, and despite the disruption and destruction of the war, instigated and directed by North Vietnam, has advanced steadily toward representative government. In September 1966, a constituent assembly was elected. In April 1967, a new constitution was promulgated. In September 1967, national elections for the Presidency and the Senate were conducted, and in October the Lower House was elected. On October 31, 1967, a new government took office."

This is the high praise that Mr. Harriman showered on the Government of South Vietnam—when he, Harriman, was negotiating at Paris.

Now that his personal failures at Paris are evident for all the world to see, Mr. Harriman has turned on that same government, and a short time ago, he cried aloud that President Nixon's program for peace depends on *"an unpopular and repressive military government."* Now, I would call that a rather self-serving opinion adjustment.

In my opinion the principal failure of the west and the United States in the post-war years has been that when the diplomatic stakes were the blue chips, we sent dandies of the old school tie instead of men of the stripe of George Meany or Conrad Cooper to the bargaining table.

Yet it is Harriman, Vance, Clifford, the men who were bluffed, raised, called, whipped and cleaned out at the tables by the enemy at Paris—who are the ones who now stand behind President Nixon yelling, in effect, "Fold, fold." Well, the President is not going to fold.

We are not going to heed the counsel of the Harrimans and Vances and Cliffords—whom history has branded as failures; and we are not going to heed the counsels of a Kennedy, a McGovern, a Fulbright or an O'Brien. Most of these have admitted defeat so often and called for retreat so many times that one suspects they may now have developed a psychological addiction to an American defeat.

Now, let us talk about Cambodia.

When the Communists for years were using Laos and Cambodia as sanctuaries to attack and kill American men in South Vietnam you did not hear the cries of anguish you hear now when we have given the green light to American troops to clean out the aggressors in their own nests.

If our base camps just across the border in South Vietnam are not secure—why should their base camps just across the border in Cambodia be secure? Why should the aggressors make the ground rules for this conflict; why should the Communists determine the time and the place of the battle; why should we circumscribe our operations; when they do not constrict theirs.

Let me tell you what American men and their allies have done in the course of this short operation.

They have captured over fourteen million rounds of ammunition that will never be fired at American troops. They have taken almost 2500 crew-served weapons that will not be used against our base camps or the cities and towns of South Vietnam. They have destroyed almost ten thousand structures where the enemy has rested, recuperated and refitted for his attacks. They have seized almost thirteen million pounds of rice—rice his troops need to continue fighting. Of grenades, mines, rockets, explosives, mortar rounds, anti-aircraft rounds, recoilless rifle rounds—they have seized close to 400,000 in total.

These weapons and supplies will never be used against the American men remaining in Vietnam. Our forces have slain over ten thousand enemy soldiers, and taken over two thousand prisoners. These are enemies who will now be unable to invade South Vietnam to kill Americans and their allies.

The operation ordered by the President of the United States and carried out by your brave sons in this short period is the greatest military victory of the United States since MacArthur landed the marines at Inchon—and in spite of the screams of anguish from the usual capitulators, apologies are not in order.

As Al Smith said, let's look at the record. It was not President Nixon and his Party who controlled the Congress or the Presidency during the eight years in which Vietnam became the longest war in our history. But Richard Nixon stood behind President Johnson and Secretary Rusk—and they have stood behind him.

It is Harriman and Vance and Kennedy and Fulbright and O'Brien and McGovern and Clifford and their crew—who can show nothing but failure for their efforts. It is the failures in this effort who are now the debunkers who say the success of the President is not fast enough.

When we took office, there were close to 550,000 American troops in Vietnam; we have brought 115,500 home. We will bring another 150,000 home by next spring. We do not need gratuitous advice from those who could neither end the war nor win it on how to conduct this quest for peace successfully—from those who stay up days and nights justifying their blunders and dreaming up new concessions to an enemy who takes concessions as signs of weakness—whose goal is not a negotiated settlement—but a Carthaginian peace. We are going to deny the enemy that victory. The enemy has paid and will continue to pay a heavy price for having misread the people and the President of the United States. To come with clean hands and to a serious session at the bargaining table would be the best advice anyone could give him.

SENATOR MUSKIE SPEAKS ON PATRIOTISM

Mr. McINTYRE. Mr. President, patriotism is a subject which is discussed a great deal today, but few define what it really means and what it must mean if we are to survive as a nation united.

The able Senator from Maine (Mr. MUSKIE), who, through his long and distinguished period of service in war and in peace, is well qualified to speak on this subject, gave us such a definition in two speeches last week in his home State. I commend these speeches to the attention of the Senate and ask unanimous consent that they be printed in the RECORD.

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

EXCERPTS FROM THE REMARKS OF SENATOR EDMUND S. MUSKIE AT LAWRENCE HIGH SCHOOL, AMERICAN LEGION, DEPARTMENT OF MAINE, FAIRFIELD, MAINE, JUNE 19, 1970

Little more than half a century ago, a group of citizen-soldiers met in Paris.

They were weary of war.

They were passionately devoted to their country across the Atlantic.

And they formed an organization . . . to which we now proudly belong . . . based on the values they shared together . . . of liberty . . . of comradeship . . . of peace

Now, as in 1919, many Americans, at home and abroad, are weary of war.

Now, as then, most Americans *are* passionately devoted to their country.

And now, it is again incumbent on us, especially those of us who have witnessed and felt the pain of war, to affirm those values we share together.

Some eighteen years ago, Adlai Stevenson spoke to the legion in New York City. I believe that what he stated then is most timely today.

"It was", he said, "always accounted a virtue in a man to love his country. With us it is now something more than a virtue. It is a necessity, a condition of survival. When an American says that he loves his country, he means not only that he loves the New England hills, the prairies glistening in the sun, the wide and rising plains, the great mountains, and the sea. He means that he loves an inner air, an inner light in which freedom lives and in which a man can draw a breath of self-respect. Men who have offered their lives for their countries know that patriotism is not the *fear* of something: It is the love of something."

There should be no doubt, then, that members of this Legion *do* love this land . . . the dream of America as well as the opportunity of America.

You have left these shores when called to do so.

You have gone to battle, in the honest belief that by doing so you would help defend liberty and promote justice.

And you have returned, when the guns were silenced, to work the land . . . to engage in commerce . . . to practice a profession . . . and to enjoy freedom.

You did not fight for personal gain . . . for mere adventure . . . or for imperial conquest. But you fought to bring peace as quickly as possible, not only for your own security, but for that of your children.

And now many of you are puzzled, and perhaps even angered, by your children, or your children's children . . . by the length of their hair . . . the cut of their clothes . . . or the sound of their voices.

I believe that these symbols of youth are *not* cause for alarm . . . for vindictive words . . . or for violent acts. Because I believe that, in substance, the vast majority of our young people want to *improve* America, not to *reject* her. They want America to be *united*, not *insecure*. They want to be *proud* of America, not *disheartened* about her.

And although many of them may sincerely believe that the war is wrong—that it is not worthy of what *we* helped to preserve and to build . . . they would, I am convinced, strongly defend America if America herself were threatened by force of arms.

Bear in mind that many of these young people, will not reach the ages of many of us here, until after the year 2,000. A spread of more than thirty years. And thirty years in this rapidly changing world is the equivalent of centuries in an earlier time. The changes which have taken place make it possible for man to know more, to accumulate knowledge more rapidly, to travel at greater speeds, to reach out into the heavens, to build more complex and impersonal institutions, to destroy our natural environment—and to destroy himself. Our young people must live with these changes longer than we will—more than that—they will have to live with the even more awesome changes which will surely come. What they are concerned about is whether it will be possible for human beings to be human in such a world. They are afraid that, as a consequence, they will lost what you fought to preserve.

The basic devotion to America which they share with us, is the same whether they are in school or in a distant jungle . . . and it is not meant to contradict or challenge the values we love in America.

Their patriotism, like ours, is based on those American instincts of cooperation, fairness, tolerance and understanding which are more important than differences in age, in occupation, in political persuasion.

Their patriotism, like ours, is directed toward positive goals . . . of freedom . . . and security . . . and mutual respect.

Their patriotism, like ours, can do America great honor.

That is why I believe America is not the place, and 1970 is not the time, for any of us to escape behind our own personal point of view, and call *it* the only true patriotism.

Instead, patriotism requires us *all* to have the courage to talk sensibly to each other . . . to refrain from senseless rage . . . to try crossing the borders which seem to divide us.

It requires a capacity to understand the feelings of others whose views on a particular issue may be different . . . who respect the flag for what it means to them . . . who believe in America, but not in the war.

I believe we *can* practice this patriotism . . . we *can* approach the future together . . . we *can* shape a whole society . . . but we must try to reach out to young Americans, to trust their sincerity, and their patriotism. I know that we can.

For, as the preamble to the constitution of this American Legion clearly sets forth, you have undertaken a splendid commitment, ". . . to make *right* the master of might; to promote peace and good will on earth; to safeguard and transmit to posterity the principles of justice, freedom and democracy; to consecrate and sanctify our comradeship by our devotion to mutual helpfulness."

That spirit of mutual helpfulness must govern our relations with each other—or we will be nothing—all that we stand for destroyed in the flames of suspicion, distrust and hatred.

To avoid that result we need the help of every American who has faith in peace and tolerance—who is willing to talk to his fellow man.

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

A "more perfect Union" requires strict fidelity, by the Government and by the people, to the constitutional rights of free, open and non-violent expression.

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

That is the America we fought to preserve.

That is the kind of America young people want.

EXCERPTS FROM THE REMARKS OF SENATOR EDMUND S. MUSKIE AT CARIBOU HIGH SCHOOL COMMENCEMENT, CARIBOU, MAINE, JUNE 19, 1970

This is not a night for long speeches.

It is a night to complete the work you have been doing in high school. Whether you have done it well enough to serve your needs in the years ahead, you yourselves will know in due course.

It is a night to begin the work of the rest of your lives. Inasmuch as that will be primarily your responsibility, we might better leave you to your own thoughts and reflections.

And yet, it is not enough to leave you to yourselves on such a night.

You are a product of this town and this region and its people. They are responsible, in large part, for what you are and what you will contribute to your own lives, to your children, and to this or other communities.

It is appropriate, therefore, that they should reflect upon that fact, take satisfaction from such promise as you have shown, and consider whether they have met their responsibility to you and to the future as well as they should have done.

Tonight, then, represents some measure of achievement—for young and old.

It is a night of doubts, as we contemplate the unknown and uncertain challenges of the future, and our preparation to meet them.

It is a night of optimism for all those who remember that each of us has the capacity to grow in ways that can improve our own lives and those around us.

To be with you—

To be asked to participate in exercises like these in the high schools of Maine is a source of satisfaction to me which is always refreshing and reassuring.

My memories of the past are very strong on such occasions:

Of the town where I was born;

Of my home life in the days of my boyhood;

Of neighbors and friends and teachers;

Of the warmth and the kindness and the opportunity which made it possible for the son of an immigrant to reach out and touch the promise of things to come.

That town and this State were my beginning. They taught me—on my graduation night 38 years ago—that I was free to make of myself whatever I was capable of becoming. It was a lesson which I have never forgotten.

But that is all in the past.

What does the future hold—for you?

You and your generation will decide—in much the same way that my generation has shaped the world in which you find yourselves—

By what you do or fail to do;

By your mistakes as well as your achievements;

By your intellectual, moral, and spiritual values;

By the attitudes you develop toward other people;

By your willingness or refusal to become involved in the affairs of other people—in your communities, in our country and around the globe.

The dangers and the pitfalls which surround you are very great:

Relaxed moral standards of personal behavior;

Increasing resort to violence as a way to settle grievances and differences of opinion;

Growing impatience with the very real grievances of those who have been the object of prejudice and discrimination for too long;

Increasing numbers of Americans who believe there is no hope for them in our society;

A growing lack of confidence in the capacity of governmental and non-governmental institutions to respond to the problems we face;

The proliferation of barriers of suspicion and distrust and hatred between different groups of Americans.

These tendencies and trends can destroy us and our country if allowed to continue.

Young people are unhappy with things as they are—and with good reason. So were we—and with equally good reason.

That concern—and an awarenes of what is wrong—did not by themselves equip us with the wisdom to build a perfect world. And they will serve you no better—by themselves.

You are as fallible as we were.

You will make mistakes—as we did—from time to time.

You will be unjust and unkind and insensitive and unreasonable and arbitrary and blind and ignorant—as we have been from time to time.

As a matter of fact, you and your generation have already demonstrated that you have inherited these shortcomings from us.

You will also, however, demonstrate the qualities which justify our belief in the perfectibility of man.

You will achieve—more greatly than we did in every field of endeavor.

You will build better communities—where the quality of justice and mercy and compassion and understanding will make life better for all.

And, in the process, you will build more satisfying lives for yourselves.

I believe this—we believe this—but whether you do this will depend so much upon you yourselves.

We worry—as you will—that, as young people yield to their impatience for change and for a greater measure of personal freedom, they will accept—too quickly—new standards of behavior and new values which will create more serious problems for you than they will solve.

And so we become over-protective and even stuffy about such things as hair styles, clothing styles, taste in music.

What we really care about are more fundamental things.

We want you to become intellectually, morally, and spiritually strong;

With a capacity to use freedom wisely;

With the understanding to make sound judgments as to what is right and what is wrong;

With the courage to do what is right.

We pray that you can build a country that will meet the same standards. We know that there is injustice, inequity and inequality, prejudice and cruelty among our fellow citizens and in other lands.

You will have certain responsibilities now to your town, your State and your country. Patriotism is the word which sums up these responsibilities but it is a word that is much abused now.

Patriotism is a word that must never belong to just one group or just one cause. It must unite us all.

Patriotism is a constructive concern for what happens to our country and our people. It requires trust and confidence among our citizens, self-discipline and self-restraint in our daily decisions on the kind of neighborhoods we want and the kind of world we seek.

Above all, patriotism is the spirit which creates and sustains a nation in which all men can hold their heads high with pride . . .

A nation in which men are willing to fight injustice where it exists;

A nation in which men work to expand opportunities for all citizens;

A nation in which men change society where changes are needed through the ballot box and the public forum.

Patriotism is also the desire of a nation:

To clean up its air and water, not pollute them.

To help its poor and sick, not ignore them.

To work with all its races and religions, not against them.

To end a war that divides its people.

You, your parents and your friends want these things because you care sincerely about the quality of life in our country, because you want to respect your country, because you want to love it.

We sometimes lose our sense of history and we forget that our struggles are not new ones, they are simply old dreams in modern dress.

In each period of crisis in our national life, there have been those who have tried to equate dissent with disloyalty, who have tried to restrict our liberties as a means of defending them. It was not by chance that freedom of speech, freedom of assembly, freedom from unreasonable search, were expressly added to the United States constitution.

And in each time of crisis, the good sense of the concerned majority has eventually restored the balance between order and liberty, security and freedom.

We are facing one of these turns in the road again. Some Americans today appear willing to restrict their own rights in a mistaken belief that the way to heal a divided nation is to silence its voices.

What we must do is learn to tolerate the opinions of others rather than try to curb their freedoms. Patriotism is a willingness both to question and to listen to the answers, not just from those who agree with us but those who don't as well.

We cannot expect a country of such diversity to have one opinion or even one hundred or one thousand. But what we must expect is a degree of tolerance and trust from our neighbors or we shall not survive. And we must never forget the words of Jefferson that "every difference of opinion is not a difference of principle."

We know that we have not dealt with these conditions as well as we would have liked. We believe they can be dealt with in the kind of society we have.

And so we entrust the future to you—knowing that we have no choice—but believing, also, that you can measure up.

From this night on you will have more freedom than you have ever known before. Use it well.

CAN AMERICANS STILL "SNUFF THE APPROACH OF TYRANNY IN EVERY TAINTED BREEZE?"

Mr. EAGLETON. Mr. President, Look magazine for July 14, 1970, contains an excellent and somewhat frightening article by Henry Steele Commager, in which he reminds us that feedom is not a luxury which can be put aside in times of stress, but that it is essential to the efficiency and growth of our society.

Mr. Commager says:

Put quite simply, we foster freedom in order to avoid error and discover truth; so far, we have found no other way to achieve this objective. So, too, with dissent. We do not indulge dissent for sentimental reasons; we encourage it because we have learned that we cannot live without it. A nation that silences dissent, whether by force, intimidation, the withholding of information or a foggy intellectual climate, invites disaster. A nation that penalizes criticism is left with passive acquiescence in error. A nation that discourages originality is left with minds that are unimaginative and dull. And with stunted minds, as with stunted men, no great thing can be accomplished.

It is for this reason that history celebrates not the victors who successfully silenced dissent but their victims who fought to speak the truth as they saw it. It is the bust of Socrates that stands in the schoolroom, not the busts of those who condemn him to death for "corrupting the youth." It is Savonarola we honor, not the Pope who had him burned there in the great Piazza in Florence. It is Tom Paine we honor, not the English judge who outlawed him for writing the *Rights of Man*.

Our own history, too, is one of rebellion against authority. We remember Roger Williams, who championed toleration, not John Cotton, who drove him from the Bay Colony; we celebrate Thomas Jefferson, whose motto was "Rebellion to tyrants is obedience to God," not Lord North; we read Henry Thoreau on civil disobedience, rather than those messages of President Polk that earned him the title "Polk the Mendacious"; it is John Brown's soul that goes marching on, not that of the judge who condemned him to death at Charles Town.

The article belongs on the "must" reading list of every American in public life today. I ask unanimous consent that it be printed in the RECORD.

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

IS FREEDOM DYING IN AMERICA?

(By Henry Steele Commager)

"There are certain words,
Our own and others', we're used to—words we've used,
Heard, had to recite, forgotten,
Rubbed shiny in the pocket, left home for keepsakes,
Inherited, stuck away in the back-drawer,
In the locked trunk, at the back of the quiet mind.

Liberty, equality, fraternity,
To none will we sell, refuse or deny, right or justice.
We hold these truths to be self-evident.

I am merely saying—what if these words pass?
What if they pass and are gone and are no more . . . ?
It took long to buy these words.
It took a long time to buy them and much pain."

—STEPHEN VINCENT BENÉT.

"Those, who would give up essential liberty to purchase a little temporary safety," said Benjamin Franklin, two centuries ago, "deserve neither liberty nor safety."

Today we are busy doing what Franklin warned us against. Animated by impatience, anger and fear, we are giving up essential liberties, not for safety, but for the appearance of safety. We are corroding due process and the rule of law not for Order, but for the semblance of order. We will find that when we have given up liberty, we will not have safety, and that when we have given up justice, we will not have order.

"We in this nation appear headed for a new period of repression," Mayor John V. Lindsay of New York recently warned us. We are in fact already in it.

Not since the days when Sen. Joseph McCarthy bestrode the political stage, fomenting suspicion and hatred, betraying the Bill of Rights, bringing Congress and the State Department into disrepute, have we experienced anything like the current offensive against the exercise of freedom in America. If repression is not yet as blatant or as flamboyant as it was during the McCarthy years, it is in many respects more pervasive and more formidable. For it comes to us now with official sanction and is imposed upon us by officials sworn to uphold the law: the Attorney General, the FBI, state and local officials, the police, and even judges. In Georgia and California, in Lamar, S.C., and Jackson, Miss., and Kent, Ohio, the attacks are overt and dramatic; on the higher levels of the national administration, it is a process of erosion, the erosion of what Thomas Jefferson called "the sacred soil of liberty." Those in high office do not openly proclaim their disillusionment with the principles of freedom, but they confess it by their conduct, while the people acquiesce in their own disinheritance by abandoning the "eternal vigilance" that is the price of liberty.

There is nothing more ominous than this popular indifference toward the loss of liberty, unless it is the failure to understand what is at stake. Two centuries ago, Edmund Burke said of Americans that they "snuff the approach of tyranny in every tainted breeze." Now, their senses are blunted. The evidence of public-opinion polls is persuasive that a substantial part of the American people no longer know or cherish the Bill of Rights. They are, it appears, quite prepared to silence criticism of governmental policies if such criticism is thought—by the Govern-

ment—damaging to the national interest. They are prepared to censor newspaper and television reporting if such reports are considered—by the Government—damaging to the national interest! As those in authority inevitably think whatever policies they pursue, whatever laws they enforce, whatever wars they fight, are in the national interest, this attitude is a formula for the ending of all criticism, which is another way of saying for the ending of democracy.

Corruption of language is often a first sign of a deeper malaise of mind and spirit, and it is ominous that invasions of liberty are carried on, today, in the name of constitutionalism, and the impairment of due process, in the name of Law and Order. Here it takes the form of a challenge to the great principle of the separation of powers, and there to the equally great principle of the superiority of the civil to the military authority. Here it is the intimidation of the press and television by threats both subtle and blatant, there of resort to the odious doctrine of "intent" to punish anti-war demonstrators. Here it is the use of the dangerous weapon of censorship, overt and covert, to silence troublesome criticism, there the abuse of the power of punishment by contempt of court. The thrust is everywhere the same, and so too the animus behind it: to equate dissent with lawlessness and nonconformity with treason. The purpose of those who are prepared to sweep aside our ancient guarantees of freedom is to blot out those great problems that glare upon us from every horizon, and pretend that if we refuse to acknowledge them, they will somehow go away. It is to argue that discontent is not an honest expression of genuine grievances but of willfulness, or perversity, or perhaps of the crime of being young, and that if it can only be stifled, we can restore harmony to our distracted society.

Men like Vice President Spiro T. Agnew simplistically equate opposition to official policies with effect intellectualism, and cater to the sullen suspicion of intellectuals, always latent in any society, to silence that opposition. Frightened people everywhere, alarmed by lawlessness and violence in their communities, and impatient with the notion that we cannot really end violence until we deal with its causes, call loudly for tougher laws, tougher cops and tougher courts or—as in big cities like New York or small towns like Lamar—simply take authority into their own hands and respond with vigilante tactics. Impatient people, persuaded that the law is too slow and too indulgent, and that order is imperiled by judicial insistence on due process, are prepared to sweep aside centuries of progress toward the rule of law in order to punish those they regard as enemies of society. Timid men who have no confidence in the processes of democracy or in the potentialities of education are ready to abandon for a police state the experiment that Lincoln called "the last best hope of earth."

The pattern of repression is alas, all too familiar. Most ominous is the erosion of due process of law, perhaps the noblest concept in the long history of law and one so important that it can be equated with civilization, for it is the very synonym for justice. It is difficult to remember a period in our own history in which due process has achieved more victories in the courts and suffered more setbacks in the arena of politics and public opinion than in the last decade. While the Warren Court steadily enlarged the scope and strengthened the thrust of this historic concept, to make it an effective instrument for creating a more just society, the political and the law-enforcement agencies have displayed mounting antagonism to the principle itself and resistance to its application. The desegregation decision of 1954 has been sabotaged by both the Federal and local governments—a sabotage dramatized by the recent decision of the Justice Department to support tax exemption for private schools organized to frustrate desegregation.

There are many other examples. Pending legislation, including the Organized Crime Control Act of 1969, provides for "preventive detention" in seeming violation of the constitutional guarantee of presumption of innocence, limits the right of the accused to examine evidence illegally obtained; permits police to batter their way into a private house without notice (the no-knock provision); and provides sentences of up to 30 years for "dangerous special offenders." And the government itself, from local police to the Attorney General, persists in what Justice Holmes called the "dirty business" of wiretapping and bugging to obtain evidence for convictions, though this is a clear violation of the right of protection against self-incrimination.

Equally flagrant is the attack on First Amendment freedoms—freedom of speech, press, petition and assembly—an attack that takes the form of intimidation and harassment rather than of overt repudiation. The President and the Vice President have joined in a crusade designed to force great newspapers like the New York *Times* and Washington *Post* to moderate their criticism of Administration policies, and to frighten the television networks into scaling down their coverage of events that the Government finds embarrassing; a position that rests on the curious principle that the real crime is not official misconduct but the portrayal of that misconduct. Mr. Agnew, indeed, has gone so far as to call on governors to drive the news purveyed by "bizarre extremists" from newspapers and television sets; it is an admonition that, if taken literally, would deny newspaper and TV coverage to Mr. Agnew himself. All this is coupled with widespread harassment of the young, directed superficially at little more than hairstyle, dress or manners—but directed in fact to their opinions, or perhaps to their youthfulness. And throughout the country, government officials are busy compiling dossiers on almost all citizens prominent enough to come to their attention.

Government itself is engaged increasingly in violating what President Dwight Eisenhower chose as the motto for the Columbia University bicentenary: "Man's right to knowledge and the free use thereof." The USIA proscribes books that criticize American foreign policy at the same time that it launches a positive program of celebrating the Nixon Administration and the conduct of the Vietnam war through films and a library of "safe" books selected by well-vetted experts. The Federal Government spends millions of dollars presenting its version of history and politics to the American people. The Pentagon alone spends $47 million a year on public relations and maintains hundreds of lobbyists to deal with Congress, and the Defense Department floods schools and clubs and veterans organizations with films designed to win support for the war.

Meantime, the growing arrogance of the military and its eager intervention in areas long supposed to be exclusively civilian gravely threaten the principle of the superiority of the civil to the military power. Military considerations are advanced to justify the revival of the shabby practices of the McCarthy era—security clearances for civilians working in all establishments that have contracts with Defense—a category that includes laboratories, educational institutions and research organizations. What the standards are that may be expected to dictate security "clearance" is suggested by Vice President Agnew's proposal to "separate the [protest leaders] from our society—with no more regret than we should feel over discarding rotten apples from a barrel." That is, of course, precisely the philosophy that animated the Nazis. Military considerations, too, are permitted to dictate policies of secrecy that extend even to censorship of the Congressional Record, thus denying to congressmen, as to the American people, information they need to make decisions on foreign policy. Secrecy embraces, not unnaturally, facts about the conduct of the war; Attorney General Mitchell, it was reported, hoped to keep the Cambodian caper secret from Congress and the people until it was a *fait accompli*. So, too, the CIA, in theory merely an information-gathering agency, covers its far-flung operations in some 60 countries with a cloak of secrecy so thick that even Congress cannot penetrate it. The Army itself, entering the civilian arena, further endangers freedom of assembly and of speech by employing something like a thousand agents to mingle in student and other assemblies and report to the Army what they see and hear. This is, however, merely a tiny part of the some $3 billion that our Government spends every year in various types of espionage—more every year than the total cost of the Federal Government from its foundation in 1789 to the beginning of the Civil War in 1861.

It would be an exaggeration to say that the United States is a garrison state, but none to say that it is in danger of becoming one.

The purpose of this broad attack on American freedoms is to silence criticism of Government and of the war, and to encourage the attitude that the Government knows best and must be allowed a free hand, an attitude Americans have thought odious ever since the days of George III. It is to brand the universities as a fountainhead of subversion and thus weaken them as a force in public life. It is to restore "balance" to the judiciary and thereby reverse some of the great achievements of the 16 years of the Warren Court and to reassure the Bourbons, North and South, who are alarmed at the spectacle of judicial liberalism. It is to return to a "strict" interpretation of the power of states over racial relations and civil liberties—a euphemism for the nullification of those liberties.

The philosophy behind all this, doubtless unconscious, is that government belongs to the President and the Vice President; that they are the masters, and the people, the subjects. A century ago, Walt Whitman warned of "the never-ending audacity of elected persons"; what would he say if he were living today? Do we need to proclaim once more the most elementary principle of our constitutional system: that in the United States, the people are the masters and all officials are servants—officials in the White House, in the Cabinet, in the Congress, in the state executive and legislative chambers; officials, too, in uniform, whether of the national guard or of the police?

Those who are responsible for the campaign to restrict freedom and hamstring the Bill of Rights delude themelves that if they can but have their way, they will return the country to stability and order. They are mistaken. They are mistaken not merely because they are in fact hostile to freedom, but because they don't understand the relation of freedom to the things they prize most—to security, to order, to law.

What is that relationship?

For 2,500 years, civilized men have yearned and struggled for freedom from tyranny—the tyranny of despotic government and superstition and ignorance. What explains this long devotion to the idea and practice of freedom? How does it happen that all Western societies so exalt freedom that they have come to equate it with civilization itself?

Freedom has won its exalted place in philosophy and policy quite simply because, over the centuries, we have come to see that it is a necessity; a necessity for justice, a necessity for progress, a necessity for survival.

How familiar the argument that we must learn to reconcile the rival claims of freedom and order. But they do not really need to be reconciled; they were never at odds. They

are not alternatives, they are two sides to the same coin indissolubly welded together. The community—society or nation—has an interest in the rights of the individual because without the exercise of those rights, the community itself will decay and collapse. The individual has an interest in the stability of the community of which he is a part because without security, his rights are useless. No community can long prosper without nourishing the exercise of individual liberties for, as John Stuart Mill wrote a century ago, "A State which dwarfs its men, in order that they may be more docile instruments in its hands . . . will find that with small men no great thing can really be accomplished." And no individual can fulfill his genius without supporting the just authority of the state, for in a condition of anarchy, neither dignity nor freedom can prosper.

The function of freedom is not merely to protect and exalt the individual, vital as that is to the health of society. Put quite simply, we foster freedom in order to avoid error and discover truth; so far, we have found no other way to achieve this objective. So, too, with dissent. We do not indulge dissent for sentimental reasons; we encourage it because we have learned that we cannot live without it. A nation that silences dissent, whether by force, intimidation, the withholding of information or a foggy intellectual climate, invites disaster. A nation that penalizes criticism is left with passive acquiescence in error. A nation that discourages originality is left with minds that are unimaginative and dull. And with stunted minds, as with stunted men, no great thing can be accomplished.

It is for this reason that history celebrates not the victors who successfully silenced dissent but their victims who fought to speak the truth as they saw it. It is the bust of Socrates that stands in the schoolroom, not the busts of those who condemned him to death for "corrupting the youth." It is Savonarola we honor, not the Pope who had him burned there in the great Piazza in Florence. It is Tom Paine we honor, not the English judge who outlawed him for writing the *Rights of Man*.

Our own history, too, is one of rebellion against authority. We remember Roger Williams, who championed toleration, not John Cotton, who drove him from the Bay Colony; we celebrate Thomas Jefferson, whose motto was "Rebellion to tyrants is obedience to God," not Lord North; we read Henry Thoreau on civil disobedience, rather than those messages of President Polk that earned him the title "Polk the Mendacious"; it is John Brown's soul that goes marching on, not that of the judge who condemned him to death at Charles Town.

Why is this? It is not merely because of the nobility of character of these martyrs. Some were not particularly noble. It is because we can see now that they gave their lives to defend the interests of humanity, and that they, not those who punished them, were the true benefactors of humanity.

But it is not just the past that needed freedom for critics, nonconformists and dissenters. We, too, are assailed by problems that seem insoluble, we, too, need new ideas. Happily, ours is not a closed system—not yet, anyway. We have a long history of experimentation in politics, social relations and science. We experiment in astrophysics because we want to land on the moon; we experiment in biology because we want to find the secret of life; we experiment in medicine because we want to cure cancer; and in all of these areas, and a hundred others, we make progress. If we are to survive and flourish, we must approach politics, law and social institutions in the same spirit that we approach science. We know that we have not found final truth in physics or biology. Why do we suppose that we have found final truth in politics or law? And just as scientists welcome new truth wherever they find it, even in the most disreputable places, so statesmen, jurists and educators must be prepared to welcome new ideas and new truths from whatever sources they come, however alien their appearance, however revolutionary their implications.

"There can be no difference anywhere," said the philosopher William James, "that doesn't make a difference elsewhere—no difference in abstract truth that doesn't express itself in a difference in concrete fact . . ."

Let us turn then to practical and particular issues and ask, in each case, what are and will be the consequences of policies that repress freedom, discourage independence and impair justice in American society, and what are, and will be, the consequences of applying to politics and society those standards and habits of free inquiry that we apply as a matter of course to scientific inquiry?

Consider the erosion of due process of law—that complex of rules and safeguards built up over the centuries to make sure that every man will have a fair trial. Remember that it is designed not only for the protection of desperate characters charged with monstrous crimes; it is designed for every litigant. Nor is due process merely for the benefit of the accused. As Justice Robert H. Jackson said, "It is the best insurance for the Government itself against those blunders which leave lasting stains on a system of justice . . ."

And why is it necessary to guarantee a fair trial for all—for those accused of treason, for those who champion unpopular causes in a disorderly fashion, for those who assert their social and political rights against community prejudices, as well as for corporations, labor unions and churches? It is, of course, necessary so that justice will be done. Justice is the end, the aim, of government. It is implicitly the end of all governments; it is quite explicitly the end of the United States Government, for it was "in order to . . . establish justice" that the Constitution was ordained.

Trials are held not in order to obtain convictions; they are held to find justice. And over the centuries, we have learned by experience that unless we conduct trials by rule and suffuse them with the spirit of fair play, justice will not be done. The argument that the scrupulous observance of technicalities of due process slows up or frustrates speedy convictions is, of course, correct, if all you want is convictions. But why not go all the way and restore the use of torture? That got confessions and convictions! Every argument in favor of abating due process in order to get convictions applies with equal force to the use of the third degree and the restoration of torture. It is important to remember that nation after nation abandoned torture (the Americans never had it), not merely because it was barbarous, but because, though it wrung confessions from its victims, it did not get justice. It implicated the innocent with the guilty, it outraged the moral sense of the community. Due process proved both more humane and infinitely more efficient.

Or consider the problem of wiretapping. That in many cases wiretapping "works" is clear enough, but so do other things prohibited by civilized society, such as torture or the invasion of the home. But "electronic surveillance," said Justice William J. Brennan, Jr., "strikes deeper than at the ancient feeling that a man's home is his castle; it strikes at freedom of communication, a postulate of our kind of society . . . Freedom of speech is undermined where people fear to speak unconstrainedly in what they suppose to be the privacy of home or office."

Perhaps the most odious violations of justice is the maintenance of a double standard: one justice for blacks and another for whites, one for the rich and another for the poor, one for those who hold "radical" ideas, and another for those who are conservative and respectable. Yet we have daily before our eyes just such a double standard of justice. The "Chicago Seven," who crossed state lines with "intent" to stir up a riot, have received heavy jail sentences, but no convictions have been returned against the Chicago police who participated in that riot. Black Panthers are on trial for their lives for alleged murders, but policemen involved in wantonly attacking a Black Panther headquarters and killing two blacks have been punished by demotion.

Turn to the role and function of freedom in our society—freedom of speech and of the press—and the consequences of laying restrictions upon these freedoms. The consequence is, of course, that society will be deprived of the inestimable advantage of inquiry, criticism, exposure and dissent. If the press is not permitted to perform its traditional function of presenting the whole news, the American people will go uninformed. If television is dissuaded from showing controversial films, the people will be denied the opportunity to know what is going on. If teachers and scholars are discouraged from inquiring into the truth of history or politics or anthropology, future generations may never acquire those habits of intellectual independence essential to the working of democracy. An enlightened citizenry is necessary for self-government. If facts are withheld, or distorted, how can the people be enlightened, how can self-government work?

The real question in all this is what kind of society do we want? Do we want a police society where none are free of surveillance by their government? Or do we want a society where ordinary people can go about their business without the eye of Big Brother upon them?

The Founding Fathers feared secrecy in government not merely because it was a vote of no-confidence in the intelligence and virtue of the people but on the practical ground that all governments conceal their mistakes behind the shield of secrecy; that if they are permitted to get away with this in little things, they will do it in big things—like the Bay of Pigs or the invasion of Cambodia.

And if you interfere with academic freedom in order to silence criticism, or critics, you do not rid the university of subversion. It is not ideas that are subversive, it is the lack of ideas. What you do is to silence or get rid of those men who have ideas, leaving the institution to those who have no ideas, or have not the courage to express those that they have. Are such men as these what we want to direct the education of the young and advance this cause of learning?

The conclusive argument against secrecy in scientific research is that it will in the end give us bad science. First-rate scientists will not so gravely violate their integrity as to confine their findings to one government or one society, for the first loyalty of science is to scientific truth. "The Sciences," said Edward Jenner of smallpox fame, "are never at war." We have only to consider the implications of secrecy in the realm of medicine: What would we think of doctors favoring secrecy in cancer research on the grounds of "national interest"?

The argument against proscribing books, which might normally be in our overseas libraries, because they are critical of Administration policies is not that it will hurt authors or publishers. No. It is quite simply that if the kind of people who believe in proscription are allowed to control our libraries, these will cease to be centers of learning and become the instruments of party. The argument against withholding visas from foreign scholars whose ideas may be considered subversive is not that this will inconvenience them. It is that we deny ourselves the benefit of what they have to say. Suppose President Andrew Jackson had

denied entry to Alexis de Tocqueville on the ground that he was an aristocrat and might therefore be a subversive influence on our democracy? We would have lost the greatest book ever written about America.

There is one final consideration. Government, as Justice Louis D. Brandeis observed half a century ago, "is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example." If government tries to solve its problems by resort to large-scale violence, its citizens will assume that violence is the normal way to solve problems. If government itself violates the law, it brings the law into contempt, and breeds anarchy. If government masks its operations, foreign and domestic, in a cloak of secrecy, it encourages the creation of a closed, not an open, society. If government shows itself impatient with due process, it must expect that its people will come to scorn the slow procedures of orderly debate and negotiation and turn to the easy solutions of force. If government embraces the principle that the end justifies the means, it radiates approval of a doctrine so odious that it will in the end destroy the whole of society. If government shows, by its habitual conduct, that it rejects the claims of freedom and of justice, freedom and justice will cease to be the ends of our society.

Eighty years ago, Lord Bryce wrote of the American people that "the masses of the people are wiser, fairer and more temperate in any matter to which they can be induced to bend their minds, than most European philosophers have believed possible for the masses of the people to be."

Is this still true? If the American people can indeed be persuaded to "bend their minds" to the great questions of the preservation of freedom, it may still prove true. If they cannot, we may be witnessing, even now, a dissolution of the fabric of freedom that may portend the dissolution of the Republic.

PEACE IN THE MIDDLE EAST

Mr. DOLE. Mr. President, since the creation of Israel over two decades ago numerous attempts have been made to bring lasting peace to the Middle East. Now the Nixon administration has developed a plan that will, it is hoped, establish a basis for settlement.

The latest peace plan, announced by Secretary of State Rogers last week, provides a reasonable, evenhanded formula for bringing both sides together. It was not offered with the expectation that it will realize peace overnight; but it does demonstrate the determination of the Nixon administration to see an end to the conflict between the Arabs and Israelis.

Mr. President, a timely and cogent discussion of the latest Middle East peace plan and the general situation in that area was published as the lead editorial of the Washington Sunday Star of June 28. 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:

MIDDLE EAST PEACE: A LONG, LONG TRAIL

The U.S. is pushing another plan for peace in the Middle East. The plan offers no surprising innovations to the now venerable machinery of Middle Eastern peace-keeping. A carefully blended mix of time-tested approaches (including cease-fire, guidelines of the 1967 U.N. resolution, use of U.N. mediator Jarring, variations on the Rhodes formula for indirect negotiations) characterizes the proposal.

The plan is constructed with well-seasoned materials, and this is a source of strength. The illusion that some bright, new package-plan will bedazzle the parties into immediate acceptance, wondering only why no one had thought of the solution before, is best abandoned at the outset. Only patience and a Metternich's skill in multi-national bargaining will bring peace to that land called holy by Jews, Christians and Moslems.

The new American initiative is just that—a beginning. Ahead, even if all goes well, lies a tortuous trail to the peace not yet reached 22 years after the creation of Israel. Tiresome, point-scoring polemicists, ever ready to demand, "Why can't the Arabs (or Israelis) accept. . .?," have minimized the major obstacles along the way. Peace will never be reached with the unreliable charts such partisan pilots offer us.

Few international questions have spawned more debate about rights, but on this matter one can hardly improve on the statement by Israel's first president, Chaim Weizmann, that the issue confronting Israel and the Palestinians is a clash between two rights, not between right and wrong. But it is pertinent to question the *morality* of constant appeals to abstract rights when they frustrate the pragmatic search for peace.

More dangerous as obstacles to peace are certain national attitudes. The Israelis, for example, are victims of their own successes. The Duke of Wellington once observed that the next greatest misfortune to losing a battle was to gain too great a victory. The six-day war in June, 1967, brought Israel more secure borders, but consider the cost: A vastly enlarged Arab minority seriously diluting the notion of Israel as a Jewish state, increasingly effective Arab guerrilla organizations and a threatening Soviet military presence in Egypt.

Tactically brilliant, the Israeli military policy labors under the questionable strategic asumption that the Arab states can be forced to the peace table. This defies simple political reality. An Arab leader is not tempted to accept a dictated peace almost certain to result in his overthrow at home. Further, deep-penetration raids in Egypt did not make Nasser more "tractable." They accelerated the Soviet move from military support to miltary presence.

Political and military successes against their disorganized and divided Arab opponents have caused many Israelis to scorn the Arabs. The idea—corrosive to any genuine dialogue of equals—that the only thing the Arabs understand is force may now be deeply embedded in the subconscious of the long-frustrated Israelis.

Another Israeli attitude is eminently understandable. Its short history as a state has convinced Israel that: (1) Any war lost is its last, and (2) Israelis can count only on themselves for the defense of Israel. This explains what often impresses outsiders as the almost manic Israeli concern to have disproportionate amounts of the most sophisticated military hardware on hand—not promised or subject to contingencies—but on hand.

At his press conference on Thursday, Secretary Rogers, understandably anxious not to see his peace proposals rejected out of hand by the Arabs, made no mention of the 125 Phantom and Skyhawk jets which the Israelis are seeking. This newspaper has taken the position that the Israelis are entitled to procure the means to ensure their national survival. This remains our position, as we believe it is and ought to be that of Mr. Nixon. There are times, however, when it is more judicious to speak of the modalities of peace rather than schedules of arms deliveries. This, we believe, is one of those times.

The Israelis, whose national survival is at stake in a sense which that of the Arabs is not, understandably are skittish about taking the first step toward peace. Can such an overture be expected of the Arabs?

The legend of Tantalus epitomizes the Arabs' relations with the outside world in modern times. Many other peoples have suffered more than the Arabs in the 20th Century. But few have been more tantalized. To the promises of independence long deferred, the dream of unity still not realized, came the creation of Israel, not so much as a crushing blow but as a cruel mockery.

Arab relations with the Great Powers are ambivalent. The Arabs both rely upon and distrust outside efforts to solve their problems. They are in the midst of a socio-economic revolution. The question of who shall lead the Arabs adds a further element of instability (the 1967 war was sparked, ironically, by intra-Arab political disputes). Also, the Fertile Crescent is a region of many religions and ethnic groups. Not all are Arabs. Not all are Moslems. Creating a cohesive society out of diverse races and religions always is difficult.

Israel is the one subject the sorely pressed Arabs can agree on. The temptation to use this scapegoat as a means of quelling criticism or enforcing conformity is well-nigh irresistible. Many Arabs recognize the utility of a negotiated settlement with Israel and the immorality of keeping refugees lingering in tents for another generation, but any leader getting "out of line" on this issue courts political ruin. An Arab *demarche* will have to be very carefully staged.

And what of the Great Powers? Only general agreement among them can provide the needed combination of pressure and encouragement to get the Arabs and Israelis on the road to peace. One thing is clear: This means the U.S. must avoid giving the impression that the plan is intended to reduce Soviet influence in the Middle East. Ironically, even if the Soviet Union preferred a certain disengagement (which we have no reason to believe) many Arab leaders would react in alarm, seeing the development as a plot to isolate them.

The great challenge, the tremendous opportunity, is that a peace in which everyone gains more than he loses is feasible. Israel could well be stronger by relinquishing the Arab-populated West Bank area. Israeli security control of the Golan Heights and Sharm el-Sheik is only reasonable (and negotiable), but other territory could be returned, perhaps with agreement on neutralized zones, although this presumably is not now part of the U.S. plan. The savings in reduced military budgets could provide the peoples of this region a needed boost. The great energies and talents of the Palestinians could better be used in state-building than in a long, bloody guerrilla war—ending, almost certainly, in a territorial settlement comparable to that now being proposed.

There is a common interest in peace, but the pressures on each state involved to avoid taking the first step are staggering. Two decades of Middle East history cry out that prospects are bleak. But the attempt must be made. The administration is to be commended for the sustained effort which has resulted in the presentation of this plan.

Now, as Secretary Rogers urged on Thursday, the time has come for private discussions rather than public argument.

TRIBUTE TO SENATOR MANSFIELD, MAJORITY LEADER

Mr. FONG. Mr. President, I wish to pay tribute today to the very able majority leader who has held his most important office in this Chamber longer than any other individual.

Seventeen months after I took my seat in this room, Senator MIKE MANSFIELD

was elected by his Democratic colleagues as their leader. According to data procured by the distinguished Senator from West Virginia (Senator BYRD), and published in the CONGRESSIONAL RECORD on June 23, 1970, the distinguished Senator from Montana on June 18, 1970, surpassed the previous longevity record, set by Senator Alben Barkley of Kentucky. On that date, Senator MANSFIELD had served as majority leader for a period of 9 years and 166 days.

Mr. President, I have watched Senator MANSFIELD work diligently and effectively as leader of my Democratic colleagues, and I want to praise him most highly for his outstanding record of achievement.

Senator MANSFIELD has served in a quiet, efficient, and most just manner, the Members of this Chamber who sit on both sides of the aisle. He will go down in history as an outstanding leader of the U.S. Senate, of the Nation and of the world.

Mr. President, as the distinguished Senator from Montana continues in his position as majority leader, I would like to take this opportunity to congratulate him on his past able leadership, and to wish him well in the future.

RESOLUTION OF SONS OF THE AMERICAN REVOLUTION

Mr. BYRD of Virginia. Mr. President, the National Society of the Sons of the American Revolution, a patriotic organization, held its 80th annual congress in Houston, Tex., from June 7 to June 10. During the congress, 10 resolutions pertaining to national and international affairs were adopted.

I ask unanimous consent that the text of the resolutions be printed in the RECORD.

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

RESOLUTIONS OF THE NATIONAL SOCIETY OF THE SONS OF THE AMERICAN REVOLUTION

The National Society of the Sons of the American Revolution, at its 80th Annual Congress, assembled from June 7 to 10 at the Rice Hotel, Houston, Texas, adopted by unanimous vote, the following resolutions:

RESOLUTION NO. 1

Whereas: The message of the American Revolution of 1776 was that the State exists for the People, not the People for the State, and that the rights of the individual must be protected from governmental oppression and from every form of tyranny; and

Whereas: It is the responsibility of every American to understand and maintain this American way of life and to pass it on so that it may be enjoyed by succeeding generations; and

Whereas: The best government is that which recognizes and protects the dignity and freedom of the individual to: Worship God in one's own way; free speech and a free press; own property and enjoy its use; engage in business for a profit; work in endeavors and locations of his choice; bargain with his employer or employees; keep and bear arms to protect his person and property; enjoy those other benefits guaranteed by our Bill of Rights; all without arbitrary governmental regulation and control.

Resolved: That the National Society of the Sons of the American Revolution unequivocally supports:

1. The voluntary reading of the Holy Bible and the voluntary offering of prayers in our public schools.

2. The control of our public schools by the Sovereign States.

3. The reduction of government spending and the balancing of our national budget to curb inflation.

4. The minimization of competition of the Federal Government with private industry.

5. The stabilization of our currency.

6. The abolition of all programs which reward indolence and destroy initiative.

7. The strengthening of law enforcement and order on our streets, campuses, and in our communities.

8. The right of the individual to keep and bear arms without the necessity of registration, either direct or indirect.

9. The right of the State to exercise all those sovereign powers not specifically granted to the Federal Government.

10. The withdrawal of the United States from the United Nations and its removal from our country.

11. Discontinuance of all trade with Communistic nations and their satellites.

12. Adherence to the Monroe doctrine.

13. Appropriate concern by the judiciary for the general welfare of all our citizens as well as for that of the wrongdoer.

RESOLUTION NO. 2

Whereas: The Pledge to the SAR was originally drafted to read:

"We descendants of the heroes of the American Revolution who, by their sacrifices, established the United States of America, reaffirm our faith in the principles of liberty and American Democracy, and solemnly pledge ourselves to defend them against every foe"; and

Whereas: The words: "our Constitutional Republic" should have been used instead of the words: "American Democracy";

Resolved: That the National Society of the Sons of the American Revolution reword the Pledge to the SAR to read: "We descendants of the heroes of the American Revolution who, by their sacrifices, established the United States of America, reaffirm our faith in the principles of freedom and our Constitutional Republic and solemnly pledge ourselves to defend them against every foe".

RESOLUTION NO. 3

Whereas: North Vietnam has continuously refused to publish the names of War Prisoners held by their Government and denied the prisoners of war their right to communicate with their families; and

Whereas: North Vietnam has refused the International Red Cross permission to inspect their prison camps; and

Whereas: The North Vietnamese have stated that all captured Americans are regarded as war criminals and they will be tried by their "Peoples' Court";

Resolved: That the National Society of the Sons of the American Revolution strongly protest North Vietnam's total disregard of the Geneva Convention and urge that all available steps be taken to secure fair treatment and the release of our Prisoners of War.

RESOLUTION NO. 4

Whereas: The 59th Congress of the United States of America at its first Session, convening on December 4, 1905, and subsequent amendments thereto, incorporated the National Society of the Sons of the American Revolution; and

Whereas: Section Two of said Charter states the purposes and objectives of said corporation and declared it to be patriotic, historical, and educational, and among other things to carry out the position expressed in the Preamble of the Constitution of our country and the injunctions of Washington in his farewell address to the American people; and

Whereas: The National Society of the Sons of the American Revolution meet periodically and address themselves to these purposes and objectives in the form of action programs and resolutions; and

Whereas: The purposes and objectives of this Society cannot be fulfilled by resolutions of its position of such purposes and objectives if not forcefully brought to the attention of the appropriate governments and to the people of our Republic;

Therefore, be it resolved at the 80th Annual Congress meeting at Houston, Texas, June 10, 1970, that the officers and trustees of this Society, during the next year, develop through its processes of bylaw amendments and administrative procedures a definite system whereby resolutions and positions taken by this National Society may be more forcefully implemented through educational means to the governments and the people.

RESOLUTION NO. 5

Whereas: The National Society of the Sons of the American Revolution, desirous of preserving the spiritual and moral principles upon which these United States of America were founded, has, through the years, passed Resolutions which become the Policy of the National Society, but are often ignored;

Resolved: That the National Society, Sons of the American Revolution call upon all chapters and all members to support all facets of our Society;

Resolved: That the National Society, Sons of the American Revolution commend those chapters and members actively supporting the National and State Societies, and remind those not so doing that they are failing in their duty to the Society as a whole.

RESOLUTION NO. 6

Whereas: The privilege of voting is a solemn responsibility involving maturity and sound judgment concerning which the attainment of 21 years of age is generally regarded as the minimum age limit; and

Whereas: To lower the voting age would permit many minors who lack the necessary experience to manage their own affairs to vote and participate in the management of the affairs of our nation;

Resolved: By the National Society of the Sons of the American Revolution that we oppose any reduction in the age level as a voting requirement.

RESOLUTION NO. 7

Whereas: The responsibility for the defense of our nation should be borne by all eligible citizens, in order to insure the preservation of the liberty of this country and that this responsibility should be borne by all and not become the exclusive responsibility of a professional military;

Resolved, By the National Society of the Sons of the American Revolution that we call upon the responsible Federal officials to continue the present system of the American tradition of the "citizen-soldier" so that the obligation of military service shall be equitably distributed throughout the able-bodied population of this nation, without regard to rank, wealth or other distinction than patriotism and love of country, as against any proposed strictly voluntary army.

Be it further resolved: We reaffirm our support of the ROTC.

RESOLUTION NO. 8

Whereas: We see and read where some young and old engage in parades, marches and demonstrations, in which the flag of North Vietnam is displayed; and

Whereas: Such an act is in fact giving aid and comfort to our communist enemies, and contains all the elements of treason save and except that there has been no formal declaration of war against North Vietnam; and no such act would be committed save by an enemy of this country;

Resolved: By the National Society of the Sons of the American Revolution meeting at Houston, Texas, that we denounce the dis-

play of the flag of North Vietnam in such circumstances as traitorous and unforgivable, and call upon the proper law enforcement officers to stop such display and if present laws are not adequate we call upon Congress to enact suitable laws concerning such display.

RESOLUTION NO. 9

Whereas: The United States has not only joined Britain in backing the United Nations sanctions toward friendly Rhodesia, but has closed the United States consulate and severed diplomatic relations with Rhodesia; and

Whereas: These sanctions, imposed without public approval, unfairly penalize a friendly nation, are inimical to American defense and economic interests, and give an extraordinary price monopoly to Soviet Russia on some vital commodities, such as chrome, thereby rewarding the Soviets who are the chief source of supplies to the forces killing American men in South Vietnam;

Resolved: That the National Society of the Sons of the American Revolution support the economic and strategic interests of the United States of America and to that end urge the immediate establishment of diplomatic relations and resumption of trade with the Republic of Rhodesia.

RESOLUTION NO. 10

Resolved: That we support the President of the United States in his policy of going into Cambodia to win and ending all enemy sanctuaries and that the President be so advised.

A WILD RIVER SAVED FROM URBAN ENCROACHMENT

Mr. McINTYRE. Mr. President, during the past year, there has been an unprecedented expression of public concern about the environmental crisis. Pollution, ecosystem, and eutrophication—words known only to the most dedicated conservationists, are now a part of a far more general vocabulary. My own constituents, blessed with a State not yet ravaged by the environmental degredation seen elsewhere, recognize the challenge.

They see, as I do, the need for change and the need for involvement by ever-increasing numbers of Americans. This, I believe, is the healthiest aspect of our current national debate. People are no longer asking merely "what can be done?" they ask "what can we do?" And this willingness to question—and to act—may be the only lasting solution to the environmental crisis and to the challenges facing our Nation.

At the same time that so many ask "what can I do?" however, they also share a sense of awe at the magnitude and complexity of this crisis. Many are willing to act but simply do not have adequate information to determine an effective course. I have felt this same frustration, along with other Senators, on many issues.

As a Senator, therefore, it is my responsibility and my joy to be able to provide helpful information as it becomes available to me. For this reason, I commend the attention of the Senate to an article published recently in the Worcester, Mass., Gazette concerning the highly effective efforts of a concerned group of citizens in New Hampshire to save a wild river from urban encroachment.

They had few resources, but much determination. This river, the Nissitissit, was in serious danger from an ever-increasing influx of new population. Recognizing the challenge, these citizens formed an organization to save the river. They have succeeded admirably.

I wish to commend the organizers and patrons of the Nissitissit River Land Trust of Hollis, N.H., for their dedication in showing the way. There are many areas of New Hampshire where this activity could be imitated. I hope that it will be. I, for one, will lend my support to such activity in any way that I can.

I ask unanimous consent that an article from the Worcester, Mass., Gazette be printed in the RECORD. I hope that by bringing this matter to the attention of the Senate and the public, more such activity will be encouraged.

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

[From the Worcester (Mass.) Gazette, Feb. 18, 1970]

THE NISSITISSIT—A WILD RIVER—HOW IT WAS SAVED

(By Russell Donnelly)

PEPPERELL.—The Nissitissit is a rare thing—a wild river saved in the midst of development.

The history of this river's preservation can be a blueprint for efforts elsewhere. It is a classic case.

First let's look at what was saved.

Heading in a small New Hampshire pond just over the state line, the Nissitissit twists 9.2 miles through Hollis and Brookline, N.H., and Pepperell, Mass. Near East Pepperell center, it meets sudden death by joining the filthy Nashua.

But for most of its life, the Nissitissit is a charm—a talisman against civilization's excesses.

One can canoe much of its length without passing a house or a bridge. The upper reaches meander through lovely meadows and marsh where wood ducks, blacks and teal build nests. From time to time, the river broadens to 40 feet or so, slides past bars of glistening gravel and tosses down small rapids.

EMBELLISHMENTS

Beaver, muskrat, mink and otter all ply their trade along the banks. Deer bed back among the high pines. In spring, wood anemone and bloodroot dress the wet hollows and laurel drapes the shore.

Brook, brown and rainbow trout thrive in the cool dark waters.

A wild river is something very special. And the Nissitissit is such a river, even though it counts more than three million neighbors within an hour's drive.

What has saved this valuable thread of nature?

People have saved it. People who looked ahead, saw the dangers and plotted against them. People who believed that progress and preservation could live together.

The story goes back more than a decade.

PRIORITY LIST

In 1957, the Massachusetts Department of Natural Resources published a report putting the Nissitissit high on its priority list for acquisition.

Then in 1962, Mrs. Annette Cotrell, chairman of the New Hampshire branch of the New England Wildflower Preservation Society, became interested in the river.

In 1963, the New Hampshire Natural Preserves Forum added the Nissitissit to its priority list. The next year, the forum sponsored a field trip to the river. Out of that trip came the decision to form a Nissitissit River Valley association of some sort.

Meanwhile, in 1964, Pepperell had set up a town conservation commission. Trescott Abele became chairman and listed the river as project number one.

INTERSTATE PROJECT

That same year, the Beaver Brook Association was organized in Hollis, N.H., to buy up land for a nature study area. The association subsequently acquired four miles of abandoned railroad right of way paralleling the river.

The Hollis Conservation Commission was formed in 1965, adding to that town's official interest in the Nissitissit. Jeffrey P. Smith of the Hollis selectmen had been a strong backer of acquisition plans from the beginning.

In December, 1968, the Nissitissit Land Trust was incorporated. Its aim was, and is, to keep the river in a natural wild state. The technique would be to acquire land, or land rights through easements, at least 200 feet back from the river along both sides for a key 4.7 mile section. It is now well along in its work.

The trust has no intention of holding lands permanently, but rather plans to turn over parcels to the local conservation commission or other official agencies.

COORDINATING COUNCIL

The trust also serves as a council for coordinating all planning for the basin, including water pollution control, fish and wildlife management and other recreational uses.

Many agencies and organizations have been enlisted in the efforts—including the Nashua River Clean-Up Committee, the fish and game departments of both states, the N.H. Office of Planning and Research (which drew up and published a professional report on the river) and the states' natural resource boards.

To enlist citizen interest, the trust sponsored and publicized a canoe trip in May, 1969, and a nature hike in October. The two events drew persons from wide areas of both states. They became aware of the river and concerned for its future.

FUND RAISING

Last December the trust started a drive to raise $9,000 to buy a key 55 acres. Three months later they have the money. It came in contributions ranging from $1 to $2,000. It came from individuals and it came from clubs and organizations.

Most of the land along the New Hampshire section of the river has now been brought under trust control either through purchase or easement—a technique which allows the owner to keep his land but sell development rights.

Negotiations are proceeding for several blocks on the Massachusetts side. Here the state Division of Fisheries and Game may get involved. There is still much to be done, but the river's future seems safe.

THE LESSONS

What are the lessons of the Nissitissit?

That precious resources can be preserved by private initiative.

That diverse groups can work together for a common goal.

That hundreds of individuals will contribute time and money to save a wild river.

They are lessons well learned.

HOUSTON POST CALLS FOR 100,000-ACRE BIG THICKET NATIONAL PARK

Mr. YARBOROUGH. Mr. President, on Friday, June 12, 1970, in Beaumont, Tex., hearings were held on S. 4, my bill to establish a 100,000-acre Big Thicket Na-

tional Park in southeast Texas. 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 very informative and successful hearings.

On the Wednesday preceding the hearings, the Houston Post strongly supported the proposal to establish a 100,000-acre Big Thicket National Park. I was delighted by this supportive position taken by the Houston Post.

The Houston Post is to be commended for making an objective evaluation of the positions taken on the proposal and for reaching this very reasonable conclusion that at least 100,000 acres of this unique area should be saved.

Mr. President, I ask unanimous consent that the excellent editorial appearing in the June 10, 1970, issue of the Houston Post be printed in the RECORD.

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

SAVE THE BIG THICKET

The movement to create Big Thicket National Park in Southeast Texas got its start in 1966 when Sen. Ralph Yarborough introduced his bill (S. 4) to set aside 100,000 acres, to be preserved in its wilderness state before it is forever destroyed by the onrush of "progress."

There has been a lot of talk about the Big Thicket National Park in the intervening four years, but not much action.

Now it appears that the ball is starting to roll, with a hearing Friday in Beaumont by the subcommittee on parks and recreation of the Senate Committee on Interior and Insular Affairs. Sen. Alan Bible of Nevada, chairman of the subcommittee, will preside.

Most conservationists agree that Sen. Yarborough's concept of a 100,000-acre park is the most desirable, but the timber industry and a number of hunting clubs in the area favor limiting the park to 35,000 acres. Rep. John Dowdy of Athens has a bill authorizing a park of no more than 35,000 acres.

Conservation organizations are proposing environmental protection for all the Neches flood plain south of Dam B, and the addition of a wildlife refugee of approximately 40,000 acres in the Saratoga, Kountze, Sour Lake triangle bounded by highways 326, 105 and 770. The total size would be about 100,000 acres.

In 1967 the National Parks Service issued a preliminary plan calling for nine isolated wilderness areas, the so-called "string of pearls" concept, which did not, however, include the "string." Later at the urging of the Texas Conservation Council this plan was revised to provide the links between the various areas in the form of public roads and environmental corridors for hiking and canoeing along the various streams. Both the roads and the streams would be protected by scenic easements.

One of the purposes of the Beaumont hearing will be to determine which of the plans is best, and what the total acreage of the park should be.

A substantial portion of what is left of the Big Thicket should be saved from the power saws and the bulldozers. It should likewise be protected from real estate developments, an excess of tourist "facilities" and a network of hardtop roads. An area of 100,000 acres does not seem too large for the purpose.

The best way to do this is with a national park, and it is to be hoped that the Beaumont hearing will be a significant step toward the accomplishment of that aim. The current public interest in protecting the environment should aid the cause.

ECONOMIC PASSIVITY

Mr. CRANSTON. Mr. President, for the last 18 months the Nixon administration has pursued an anti-inflationary policy which has led to high prices, high unemployment, and an almost unprecedented drop in the stock market.

President Nixon's state of the economy message of last week was quite disappointing. I found nothing in the message which would lead me to believe that the administration has any intention of changing the policy which has to date lead us into the worst economic downturn since the recession of 1957.

One of my constituents recently brought to my attention an April 28 New York Times editorial entitled "Economic Passivity." The editorial succinctly outlines many of the shortcomings of the administration's anti-inflationary policy.

Although the Times editorial is almost 2 months old, I believe it is still most timely in light of the administration's continued passiveness on the economic front.

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:

[From the New York Times, Apr. 28, 1970]

ECONOMIC PASSIVITY

There is no limit to the number of theories about what ails the stock market—despair over persistent inflation, failing profits, raising unemployment; the skid of the Federal budget into deficit, and the likelihood that this might force the Federal Reserve to tighten money again; the weakness of the security industry itself; the worsening of the United States balance of payments; the danger of a widening war in Southeast Asia; waning confidence in the Administration's ability to manage the economy.

Although the market may have a tendency to exaggerate worrisome news, there can be little doubt that the pressures on profits and security values are real and not merely psychological. It will do the Administration no good to put out more optimistic bulletins to accompany every piece of disappointing economic news. There has been enough of that already. Indeed, the regular stream of cheerful interpretations, regularly contradicted by subsequent events, has helped to undermine investor, business, and consumer confidence and to build up fears that the economy is out of control.

What is needed now is a searching reappraisal of why the Administration's single-minded policies are failing to produce the advertised results and what needs to be done now to set the nation on a course with more promise of stopping inflation and preventing a continuous drift toward higher unemployment.

The optimistic presupposition with which the Administration arrived in office—that slow growth in the money supply was the magic elixir for steady and noninflationary economic growth—is turning out to be an illusion. Unemployment is running above expected levels; so is inflation.

One champion of the monetarist approach, the St. Louis Federal Reserve Bank, now foresees a continuous increase in unemployment up to nearly the 7 per cent level by the end of 1971, even if the money supply is kept growing at a 3 per cent annual rate from now on. There is, in fact, widespread uncertainty among monetary economists over the time lags before changes in monetary policy affect output, employment and inflation.

The nation needs a broad-based program if it is simultaneously to achieve price stability and high employment. Higher tax revenues will be needed in the future to provide resources for essential public programs. Erosion of the tax base caused by the tax reform act of 1969 and the premature wiping out of the 10 per cent surtax should be repaired. A larger budget surplus would make it possible to shift resources to the depressed housing sector and to business investment.

The Administration has failed to provide effective leadership and guidance on the price and wage front. The excessive and restrictive market power of both large-scale industry and large unions must be curbed. A stronger program is needed to provide jobs for the unemployed. A multifaceted program along these lines is minimal if the American economy is to be restored to health and stable growth.

THE PASSING OF DR. WILBERT McLEOD CHAPMAN

Mr. MAGNUSON. Mr. President, very few, if any, have left a more lasting mark upon the U.S. business of ocean affairs than Dr. Wilbert McLeod Chapman, who passed away June 25, 1970.

From the beginning, his discipline was fisheries. He never really got very far away from it. But fish, for the most part, were found in oceans, and Wib assumed a position of leadership in this Nation's scale toward inner space.

I do not suppose he was always right. I did not think so, I know. We found ourselves often on opposite sides on various issues, but I never really doubted his honesty of conviction or his loyalty to the interests he represented, or to the future of the world oceans in general.

Wib was the kind of fellow who was not easily put aside. Whether the forum was my office or some kind of large formal gathering, he had one of those booming voices which commanded attention. Maybe he did not win every argument, but there was never doubt that he had been present.

People wanted him present at ocean and fishery discussions. Even if they did not agree with him, it was recognized and understood that the gathering would be incomplete without his presence.

In the past month since Wib was stricken, I have sent staff men from the Commerce Committee to ocean and fishery meetings. In each report I found notation of the absence of Wib Chapman. His absence was noted. He was never forgotten. Nor will he be.

Wib started out in Kalama, Wash., in 1910. He attended the University of Washington, graduated, and spent time with the State's Department of Fisheries, the U.S. Bureau of Fisheries, the International Fisheries Commission, and did other work as a fishery biologist. He came back to the university from World War II where he had served in the South Pacific trying to help some of the islands sustain themselves with food from the sea. I recall a book about this, entitled "Fishing in Troubled Waters," in which Wib described his problems with the natives; but mostly with the Navy who was too busy fighting a war to pay much attention to this professor and his fishing

effort. But Wib got around them, and this was probably good practice as he was later to choose the highest echelons of our national defense establishment in order that fish not be forgotten.

After the war he went back to the University of Washington and became director of the School of Fisheries. It's a college now, and I am certain that he had something to do with this, in addition to giving the university a fishery reputation of world renown.

Wib never stopped teaching. He threw away his professor hat, came back to represent fish in the State Department, went on to do research and politic for the American Tunaboat Association, and eventually ended up with Van Camp Seafoods. At the time of his death he was director of marine resources for the Ralston-Purina Co., and chairman of the California Advisory Commission on Marine and Coastal Resources.

After leaving the University of Washington campus, there were no classrooms around; no fresh students in which to instill enthusiasm. But Wib knew a lot of things he thought others ought to know about. So his classrooms were in peoples mailboxes. I doubt if anyone around in the fish or ocean business has escaped his mailing list. His letters were not short. They were mimeographed for the most part, usually addressed to somebody else, no matter if you knew them. Somehow, to all of us, they were personal. And from them people learned.

He told the fish people that this inner space thing would mean something someday. During the peak of outer space emotion and wonder, Wib Chapman was still calling attention to the unexplored ocean canyons. He did not care much whether a lot of people listened. Many did.

Wib took a lot of interest in my national oceanographic bill a few years back. He did not totally agree, but I do not suppose Wib ever totally agreed with much of anything anyone did. But it was about oceans, and he supported it enthusiastically.

The law extending our fishery jurisdiction to 12 miles was another area of disagreement. Wib thought it was a mistake, but when my bill became law he did not worry. He just kept busy toward this important goal for ocean development.

I think he was a happy man. I seldom saw him angry. He had so much enthusiasm: so much knowledge to impart that he did not seem to have time to carry grudges with people.

Wib was born in 1910. He was too young to leave us, yet I doubt if many can claim a bigger share of life. Had there been a chance, he would have argued to stay around, for I know he had a lot of things to straighten out yet. But his passing was peaceful. And his mark will be an enduring one.

I sent a telegram to his wife, Mazie, and his family, when I heard of his passing. I said:

Wib's passing will leave an emptiness around the world whenever fish and ocean people meet . . .

That pretty well covers it. An emptiness which is not apt to be soon filled, if ever.

AVERELL HARRIMAN SPEAKS ON THE VIETNAM WAR

Mr. EAGLETON. Mr. President, I wish to share with Senators a speech given by W. Averell Harriman in St. Louis on June 17 before the Business Executives Move for Vietnam Peace.

As Governor Harriman points out at the beginning of his text—and as his audience so pointedly illustrated—opposition to our policies in Vietnam is no fringe movement of the left. It is the establishment itself—businessmen, bankers, professors, government workers—who have come to recognize the damage this conflict is doing to our country and the urgency of liquidating our involvement in Southeast Asia.

Governor Harriman holds out the prospect that a conclusion of the war could lead to closer relationships between the United States and Hanoi on the Yugoslav pattern, provided that we now determine to end the war and not simply continue it under the pretext of Vietnamization.

We have been told—

He says—

that "our will and character" are being tested in world opinion. That is not correct. What is being tested is our judgment, our wisdom and our purpose.

I believe we would do well to heed the proven judgment and enormous wisdom contained in this excellent statement.

I ask unanimous consent that it be printed in the RECORD.

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

A RESPONSIBLE END TO THE VIETNAM WAR

Our country faces today a clear-cut alternative—either ending the war in Vietnam or intensifying the bitter conflicts here at home. We see our abundant and prosperous economy being undermined, inflation with increasing unemployment, home building grinding to a dangerous low. As thoughtful a man as John Gardner speaks of our nation "disintegrating."

An outstanding business executive, Mr. Thomas Watson, IBM Chairman testified before Congress last week, urging the end of our involvement in Vietnam. He said, "The war in Vietnam is the major factor which has turned our healthy economy into an unhealthy one." He added: "The longer we continue, the more chaotic the nation will become."

Another leading businessman, Mr. John T. Connor, Chairman of Allied Chemical, also testified the invasion of Cambodia "has precipitated a constitutional crisis of a most serious nature."

The Bank of America President A. W. Klausen has stated: "In my judgment, the war in Vietnam is a tragic national mistake . . . a colossal one." Chairman Louis B. Lundborg concludes his testimony saying: "There is only one way out of our current dilemma and that is the elimination of the war in Vietnam."

Clark Clifford, President Truman's Counsel and former Secretary of Defense, has recently written: "We cannot continue to fight the war in Vietnam without doing serious and irreparable injury to our own country."

In addition, there have been strong statements by a goodly array of labor leaders, who have pointed out that the well-being of working people is threatened by this futile war.

Surely the time is overdue to end the war in Vietnam and not to expand it into Cambodia. No temporary military success now claimed in Cambodia is worth the awful price of expanding the war to another country, of making political settlement far more difficult, of increasing Red China's influence in the area, of sharpening the division among our people here at home, and further loss of respect for our people abroad.

What the military effect of the invasion will be is not yet known. The Administration lists booty captured in Cambodia. The eleven million pounds of rice the President spoke of is worth less than one million dollars, and rice is in plentiful supply in Cambodia, which produces over five billion pounds a year. The arms captured are an infinitestimal fraction of the production of the Soviet Union and China. The governments of these countries have made it clear they will replace any loss and will support North Vietnam with all the weapons needed.

But what is more ominous is the increased Chinese involvement. At what point will the Chinese Reds introduce volunteers?

Two weeks ago the President, in defending his decision to invade Cambodia, spoke nine times about his concern for the lives and security of American soldiers as his principal reason for this action. Surely the way to save the lives of our men is to get them out of combat and not to expand it.

All our troops should be withdrawn from Vietnam on a prompt and fixed schedule as proposed by former Secretary of Defense Clark Clifford in his recent magazine article. This will compel the Thieu government to undertake seriously negotiations for a responsible settlement. He must bring into his government the political elements desiring peace and send to Paris a team willing and capable of negotiating with the NLF for a compromise solution.

Of course, the President himself must appoint a high-level representative in Paris. Until he does, it is hard for people around the world to believe that he is really interested in negotiations. If these actions are taken on our side, I believe the other side will join in serious negotiations.

Our withdrawal should be responsible, and I believe that it can be—without delaying the return of our troops. We helped set this country on fire, and we must help put it out. I am convinced that the other side will agree to one point at least—that there will be no repraisals by either side, with supervision by an international body. Other issues must be subject to negotiation among the South Vietnamese themselves.

In the many private discussions I had with the North Vietnamese in Paris, there is one thing that I learned. They are fiercely nationalistic. They particularly want to be independent of China. With this in mind, they established friendly relations with the French after the war which France ended. Now if our war can be ended, they want similar relations with the United States. Like Tito, they recognize the need for an alternative to being compelled to rely on their powerful communist neighbor.

I therefore believe that it is important for us to come to an understanding with Hanoi. We must recognize that the North Vietnamese did not keep the Laos Agreement of 1962 for a single day and some understanding must be reached which is to their interest to keep for a period of years. If we are to have peace in Southeast Asia, some understanding must be arrived at along the lines of President Johnson's Johns Hopkins speech of April 1965 for the reconstruction and cooperative development of Southeast Asia with the participation of the North Vietnamese.

Recent events have made this more difficult. Peking has consistently taken a negative position on a peaceful solution in the area. Peking's influence, I believe, was at its

lowest point in 1968. However, the recent Cambodian developments have increased their position to a new high.

We have been told that "our will and character" are being tested in world opinion. That is not correct. What is being tested is our judgment, our wisdom and our purpose.

Looking back, the immediate post-war years when Harry Truman was President were the most creative and constructive period of American influence in the world. We helped create the United Nations. We rallied Western Europe and frustrated Stalin's designs to expand his empire to the Atlantic. Point IV, to give a helping hand to the underdeveloped peoples, was conceived.

Yet at the same time President Truman was taking these extraordinary initiatives, he understood there were limits to our capabilities. In spite of criticism, he refrained from becoming involved in the civil war in China. He stopped at the 38th parallel in Korea against strong military pressure to expand the war again to North Korea and China. During that period we gained the respect and confidence of the peoples of the free world.

We need desperately the same understanding and restraint today which Harry Truman showed twenty years ago.

Our political objectives in Vietnam cannot be achieved by military means. We can expand the war to include Cambodia, Laos, North Vietnam and then China, and even the Soviet Union, but this war cannot be won. That is not the fault of the United States but the nature of the problem that exists there.

Unfortunately, this Administration refuses to learn from the mistakes of the past or to listen. They have closed their ears to outside opinion. The Administration is not concentrating its attention on negotiations but rather on military action.

When the new Administration took over in January of 1969, agreement had been finally reached between the two sides to commence negotiations for a peaceful settlement. As publicly stated by Secretary of Defense Clark Clifford, the first order of business should be the reduction in the level of combat and violence. We were encouraged to believe that progress in this direction could be made. In late October and early November the North Vietnamese had taken 90% of their troops out of the northern two provinces of I Corps, half of which had been withdrawn above the 20th parallel—some two hundred miles to the north. Fighting almost stopped in this area which had been previously one of the most active. Because of this, General Abrams was able to take the First Air Cavalry Division from I Corps to the III Corps, to strengthen our position there.

However, the new Administration permitted President Thieu to pull the rug out from under the negotiations. President Thieu announced that he would not sit down in the private meetings that had been arranged for, although he knew full well that it was only in the private meetings that any progress could be made. Two months later he was finally persuaded to participate, but at the same time he announced that he would not in any circumstance agree to a coalition government or permit the NLF to become a political party in South Vietnam. By then the NLF refused to sit down privately with his representatives. No progress has been made in Paris since.

On April 20th, the President held out hope that a "just peace" was in sight. Ten days later the war was expanded. There seems to be an idea that military blows can force the other side to negotiate on our terms. All our past experience in Vietnam shows that this is a delusion.

The Administration's program of Vietnamization of the war is not in my opinion a program for peace but is a program for the perpetuation of the war. At best we can only hope for a reduction of less than half of our forces in South Vietnam two and a half years after this Administration took office. And after that there is no assurance whether or when the balance of our forces will be withdrawn. The South Vietnamese troops are able to take on more of the load of our combat troops, but there is no indication that they can continue to operate successfully without American air, artillery and logistic support.

Furthermore, the Vietnamization of the war is dependent on an unpopular and repressive military government. With all of the military influence, President Thieu and Vice President Ky got less than 35% of the votes cast in 1967, whereas over 60% of the votes were cast for civilian candidates who had some kind of peace plank in their platform. This election confirms the judgment that the people of South Vietnam want peace and not a continuation of the war.

While the Vietnamization plan has reduced the American casualties, South Vietnamese casualties are increasing, with up to 800 killed a week and with many civilian casualties as well.

Our expansion of the war to Cambodia makes matters worse. We are told about the number of enemy arms captured but not about the towns and villages destroyed and the number of innocent Cambodian civilians killed. Is this the way to seek an "honorable" peace?

The war must be ended to permit the redirection of our material and human resources expended in this tragic morass to our urgent needs and to reunite our people now so deeply aroused and divided.

The concern of our young people and others who feel they are not being listened to and the misapplied patriotism of certain speech-makers and others like the hard-hats are tearing our nation apart. This latter group is attempting to whip up emotional support by using the American flag as their symbol.

Let us remember the American flag was the flag of our Revolution, a period of change and progress. It was not the flag of the standpatters. We cannot now let demagogues, or chauvinists, take patriotism and the American flag as their exclusive banners. To me, the true patriots are those dedicated to the cause of honoring our high principles of equality and justice to all here at home, and those dedicate to the principles of being a responsible Good Neighbor abroad and the leading standard-bearer of peace in the United Nations.

Surely with our military involvement in Vietnam ended, our voice for peace in the Middle East would be stronger and more influential.

This is a time of crisis. All of us should decide how we can contribute most effectively. It is easy to be destructive. I reject the rock throwers and the burners and those who use violence and intimidation.

I am heartened by the constructive work the fine groups of students are doing in Washington in lobbying against the war and the manner in which they are organizing to participate in this year's elections. Their examples has stimulated a thousand Wall Street lawyers, some of them from the most conservative firms to go to Washington and, from the steps of the Capital, urge the Congress to take action to stop the war.

I am heartened, too, that you businessmen have gathered together here in Saint Louis to consider what you can do in this time of difficulty. Join the ranks of those who are speaking out to end the war. As responsible businessmen, your actions can be decisive.

CBW—THE U.S. RECORD

Mr. PROXMIRE. Mr. President, a look at the history of the Geneva protocol plainly shows that this country has had no reason for failing to ratify the treaty, either now or in 1925.

The protocol was first proposed at Geneva by the head of the U.S. delegation, Representative Theodore E. Burton, of Ohio, with the full support of President Coolidge and Secretary of State Kellogg. We signed the treaty in June of 1925 but did not give it consideration in the Senate until almost a year later. By then the chemical industries and Army Chemical Service groups had developed strong interests against the protocol. The protocol was never "defeated"; it simply never came to a vote. It sat in the Foreign Relations Committee until President Truman withdrew all unratified treaties which had been submitted prior to 1941.

On numerous occasions the United States has gone on record as in support of the principles of the protocol.

In 1943, President Roosevelt responded to the rumors of plans for German gas warfare by stating:

> Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.

In 1966 the United States cosponsored and voted for a United Nations resolution calling on all nations to observe the principles and objectives of the Geneva protocol. In explaining our vote our Ambassador said:

> While the United States is not a party to the Protocol, we support the worthy objectives which it seeks to achieve. We have repeatedly endeavored to find adequate means to attain these objectives.

In 1967, the Deputy Secretary of Defense told a Senate subcommittee that "it is clearly our policy not to initiate the use of lethal chemicals or lethal biologicals."

In April of 1969, John Foster the Director of Defense, Research, and Engineering said:

> The U.S. policy and its rationale with regard to biological warfare is generally the same as that for chemical. As a matter of policy the U.S. will not be the first to use biological weapons.

Last year President Nixon made a momentus decision by announcing a unilateral renunciation of the use and manufacture of bacteriological weapons. He declared that even if germ warfare were used against this country it would not reply in kind. This year he extended his decision to include toxins.

Mr. President, there is absolutely no historical reason for our delay in ratifying the Geneva protocol. I urge President Nixon to resubmit that document to the Senate promptly so that we can consent to it.

ALLISON KRAUSE MURDERED AT KENT STATE

Mr. YOUNG of Ohio. Mr. President, the victims of tragedy often are known to us only as statistics or faceless, meaningless names. The two young men and two young women who were murdered on the campus of Kent State University on May 4, 1970, have been the subject

of an unusually large amount of publicity. Yet, the vast majority of Americans still know virtually nothing about the personalities of Jeffrey Miller, William Schroeder, Sandra Scheuer, and Allison Krause.

Arthur Krause, the father of one of the young girls whose life was taken on May 4, was kind enough to send me a copy of a very thoughtful letter and reminiscence written by Richard Jaworski, one of Allison Krause's high school teachers in Silver Spring, Md. That poignant letter offers one of those rare glimpses of the ideas, attitudes, and motivations of an individual.

Mr. President, Allison Krause was a warm, sensitive, understanding human being. I urge Senators and others to read Richard Jaworski's recollection of her. I ask unanimous consent that his letter be printed in the RECORD.

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

SILVER SPRING, MD.

DEAR MR. AND MRS. ARTHUR KRAUSE: I, on the part of my wife and family, and members of the John F. Kennedy High School community, would like to express our sorrow and outrage over your loss of Allison. I have lost a friend, so has my wife, and so have many of the parents, who have stated that they feel they have lost one of their own children.

Those of us in sorrow, as well as the students of John F. Kennedy High School, would like to perpetuate Allison's memory with a memorial scholarship or a library addition. Would you have any ideas? My suggestion has been the establishment of an Allison Krause Memorial Scholarship for students planning to work with the mentally handicapped or mentally ill.

The outpouring of memories, essays and letters about Allison from classmates, teachers and friends, point to the love and admiration many felt for her, an affection perceived in spite of the anger and frustration they experienced over her loss. I am making copies of this outpouring, and will send you copies of these remembrances, if you would like them. My wife has some photographs which she will send you after copies are made.

If there is any way that I or members of the adult community of John F. Kennedy High School can help you, please write or call at my home ([redacted]).

Sincerely,

RICHARD JAWORSKI.

ALLISON KRAUSE

(By Richard R. Jaworski)

I was one of Allison Krause's English teachers when she was in her senior year at John F. Kennedy High School in Silver Spring, Maryland. An English teacher has the opportunity to know his students from the inside, from what some might call the soul. Students often reveal themselves in their writing. To an English teacher reading compositions, the football hero can be a confused boy, the school beauty queen, a well-glossed shell.

Occasionally there is a student's composition with captures an English teacher's attention. Such was a piece of writing by Allison Krause. I recall a composition written with the hard sense of a man who had suffered, who had a tough and disciplined mind. When I matched the paper to the face, I was surprised to find a strong but feminine face. I saw a tall girl with deep black hair and very white teeth, soft full cheeks and a finely shaped nose, suggesting Mediterranean beauty with all the repose and richness of that sea.

She asked me several questions about the lesson before her shiny black eyes scanned the paper. She ignored the grade, but concentrated on the comments in the margin.

"Thank you, Mr. Jaworski," she said with a softness that indicated gratitude. She was almost as tall as I, and her eyes seemed to meet mine as if to ask another question. She seemed eternally curious.

Allison wore simple clothing to school. Her classic figure enabled her to appear regal in army jacket and slacks. With her attributes, she should have been conceited, as young ladies with her gifts often are. Instead, she was humble and self-conscious. She completed the assignments for my class weeks ahead of schedule; and, she always came to class. If late, she would be careful to wait after class to apologize. Although quite capable of dominating any class with her quick intellect, she would wait patiently for others to present their views. Often she waited for loud and boisterous boys to complete arguments on a point over which she felt strongly. When she finally spoke, she would be even-tempered and rational, and would cut to the core of a problem.

Allison Krause had the ability to work with problems many adults would shun. She gave her time one summer to work with the mentally ill at St. Elizabeth's Hospital and another summer with mentally retarded children. "One of the patients," she said, did not have visitors for thirty years. Many, she said, "did not have visitors for five or ten years." At my insistence, she talked to my classes about her experiences. She recalled with delight the memories of basketball games with the inmates where she would play as the only female and the only visitor. She said the inmate-players would always give her the opportunity to shoot without hindrance. When challenged by a boy on the danger of working with the mentally ill, she recited the tender appreciation expressed to her by a man who was very tall and strong. She said the inmates were so grateful for a visit, they could not think of harm. "Love, they sense. It calms them."

I remember pointing out to a class that there was a high mental breakdown rate among Americans, one out of ten were serious enough to be hospitalized. I indicated that there was a crisis in mental health care. Allison's comments were more personal. She said she found some very lonely people in the hospital who needed to see a healthy young face, anyone. Her plea for help for them was personal, mine purely abstract. Her work with the mentally ill struck me with hope. One of the most attractive of girls in the school, intellectually and physically, was working with critical social problems, the mentally ill and the mentally retarded.

Allison didn't forget people either. She would visit her "friends" at St. Elizabeth's Hospital throughout the school year. She said they seemed to be so much happier after talking to her.

A teacher does not often know a student on a personal basis; however, in our experimental school, the personal side of a relationship can be cultivated. One day, when talking to students, I suggested they might help me move to a new house because I could not afford the help of professional movers. Several lightly promised to help that weekend.

Friday night, Allison was the only person to arrive. She apologized for being late to my Northwest Apartment home, stating that she had to struggle to get the family car.

Although beautiful females often draw back from each other, like similar electrical charges, Allison's kindness and graciousness made an immediate friend in Viki, my wife. Allison came into our home which was filled with boxes of books dressed in a stylish fur coat, and while Viki and I laughed at the fancy dress of our mover, she began lifting a heavy box and carried it to her car. My wife and I were exhausted from packing all afternoon, and Allison proved the reinforcement that saved the day.

We found difficulties once moved into our new home that people in small towns never face. People in small towns often help their neighbors with heavy tasks, making the job much lighter. One such task in our home was the location of the refrigerator which had been left by the previous owner in the basement. Allison, who visited us with a boy friend one evening, offered to lend their hands to help bring the large refrigerator up the basement steps into the kitchen. With an effort reminiscent of the hand labor of Chinese coolies, we pulled and pushed the refrigerator up the stairs.

As I began to tire and suggested defeat because the stairs were too high and the kitchen door top small, Allison encouraged us by putting her whole self to the task. When the refrigerator was finally in the kitchen, we felt as if we had conquered a symbolic Mt. Everest. We became not students, teachers, men or women, but simply human beings surmounting another one of the hundreds of small problems of the human inter-relationships.

Allison was often eluding the amours of interested male students. She once told close friends that she did not feel ready or strong enough to sustain an intense relationship. Poor Allison. A few weeks after this claim, she too fell in love. Yet, when it happened, she told me she planned to attend college and was prepared to face the reality of leaving her "love" behind. I asked, out of curiosity for what attracts talented people to each other, what did this boy have that many others did not have for her. She told me of his suffering as a high school dropout, of his torment as an addict, and his enthusiasm as a returning student struggling to "go straight." She seemed intent on pressuring him, keeping his efforts alive. When I suggested her affection for him might be more motherly than feminine, she smiled knowingly as if she too had realized that observation.

Yet, her mother-instinct, her sense of preservation of life, brought her the problems of many other young people. Constantly she was surrounded by boys and girls who came not only to tell her their problems, but to laugh with her and bask in her quick wit and charm. Allison possessed a rare trait. She could move among many groups of students and always exhibit tolerance for the views of each group in which she participated. When baited by adults, some young people respond with anger and bitterness, if not violence. Allison expressed a passive, stoic quality, as if recognizing the injustice of name-calling, as if realizing the illness of the person filled with hate.

Allison was filled with contradictions as any complex person is. She read Herman Hesse and worked in a bagel factory after school. She could wear a fur coat one day and the following day blue jeans and a bush jacket.

When she considered a college, she was not sure if she wanted to go. "Travel and people," she said, "offer me so much to learn." "Yet," she said, "I find there's so much to read, and I can read in college." When she finally decided upon attending a college, she picked the school carefully. She wanted a quiet campus somewhere in the Mid-West. Once she began attending the Honor's College at Kent State University, I did not hear from her. Monday night, I answered the doorbell. A teacher came into the house and told us in a husky voice that Allison Krause had been shot at Kent State. Earlier Viki and I had heard on the news that the Ohio National Guard had shot into a crowd of students. At the time I had wanted

to cry for the anonymous young people who were dead. I could not believe that one of the faces had a name and was a person I knew. My wife called the Washington Post city desk and the death of Allison Krause was confirmed by an anonymous voice.

Earlier that day I had led a discussion with a group of boys over the idea of indiscriminate hate for groups, whether college students or police. They told me that they gained their hatred from listening to adults talk about college students and policemen. I pointed out that such hatred leads to injustice and indiscriminate killing on both sides. I suggested that behind the abstractions of student activists or police or national guard, there existed a person. One should gauge his response in consideration of the sacredness of the person behind the abstraction.

How prophetic my words were to be, for Allison was very much of a full person, morally and spiritually; with the traits of sympathy and self-respect in an age when it is difficult to find anyone to respect, in an age of James Bond and I-Spy morality, where preservation of government employment overrides the individual's consideration of his Western values and heritage. It is difficult to believe that the soft skin which so well represented the beauty of Allison's soul, proved to be alloyed with the hatred of a bullet. The grotesqueness of the tragedy need not be pictured. Nevertheless, of all the students I have met in five years of teaching, the six years of college, and of the people I have met when working in factories, gas stations, shops and offices, I cannot think of a better person than Allison Krause. In her own quiet way, she symbolized the best in young people. She wanted to be a teacher so she could give, so she could express sympathy and teach it. With her self-control, she would have been an excellent model for children.

The insanity which took Allison Krause's human life, the man who murdered her, has lost as much as any of us who knew and loved her. The loss of Allison Krause is not a loss to any peace or war movement. She was a loss for the war against illogical thinking, the war against insanity, the fight for love and life.

WILL JUSTICE TAKE ACTION IN THE FITZGERALD CASE?

Mr. PROXMIRE. Mr. President, it is now 218 days with no action at all from the Justice Department on Ernest Fitzgerald's case. The 218 days have passed since I wrote to Attorney General Mitchell requesting an investigation of the Air Force's actions in intimidating and firing Mr. Fitzgerald for his testimony before the Joint Economic Committee.

For the past few weeks, I have been asking when the Justice Department intends to take action in this case. But perhaps I have been asking the wrong question; the question to ask may be, Will the Justice Department take action in the Fitzgerald case? Will those responsible for violating the Federal Criminal Code ever be brought to trial for their crimes?

THE DRAFT—CONSISTENT OR CHAOTIC?

Mr. EAGLETON. Mr. President, I believe it was assumed by most Senators that in December 1969, when we authorized the establishment of the lottery draft system, we were taking the first, albeit incomplete, step toward draft reform.

It was anticipated that the lottery would help to "democratize" the draft by making it less subject to the vagaries of geography, race, economic status, local draft board whims, and so forth.

Mr. President, 6 months have elapsed since the lottery system went into effect. It may well be that we accomplished very little in terms of equity by the lottery.

I invite the attention of the Senate to an article entitled "Selective Service Meets Massive Resistance," written by Mel Ziegler and published in the June 29, 1970, New York magazine. The article is a most interesting case study of just how the lottery system is working in New York City.

It points out how the lottery system can be fouled and avoided. A potential draftee with smart device can apparently escape being drafted. A less well informed potential draftee will be called into service.

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

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

SELECTIVE SERVICE MEETS MASSIVE RESISTANCE

(By Mel Ziegler)

Draft resistance in New York City has become so widespread and so sophisticated that the Selective Service System, cumbersome to begin with, today seems barely capable of drafting anybody who doesn't care to be drafted. The System, which has funneled nearly a quarter of a million New Yorkers into the Armed Forces over the past 22 years, is now lumbering along, confused, demoralized, and ineffectual in the face of the new resistance. Consider:

Last year local boards in the city, called on to supply some 7,700 draftees, had to send induction notices to nearly 14,000 men and still missed their quota by 524 men. This year draft-aged New Yorkers determined to postpone and ultimately avoid induction have had such success in tangling the System in its own bureaucratic procedures that some of the city's 96 local boards—each with a pool of approximately 10,000 prime-age registrants—have been unable to meet meager quotas of three and four men a month.

In the first four months of 1970, two out of three New Yorkers taking pre-induction physical examinations failed them. Just two years ago, fewer than 50 per cent failed their physicals. The sharp rise, many observers think, reflects a new temper among New York's potential inductees. The IV-F status, once shunned, is now sought and, increasingly, won.

Federal prosecutors in New York are now so backlogged with Selective Service cases that a man who fails to show up for induction today—more men are failing to show up than ever before—is almost certain not to see a courtroom for two years, and the odds are very good that he never will. Major Thomas R. Maher, who heads the legal division at New York Selective Service headquarters, estimates that of the number of draft violators turned over to the U.S. Attorney's office for prosecution, only 2 per cent will end up in the Armed Forces, less than 1 per cent will end up in court, and the remainder will serve neither in the military nor in prison. They will ultimately submit to the draft process and, curiously, virtually all of them will be rejected for physical or psychological reasons.

Because of the resistance, city draft officials are now calling for induction twice as many men as they need, and even so, with the exception of March, the city has yet to meet a monthly quota this year. For the month of April, when the quota was 340 men, Selective Service headquarters in New York offered this breakdown:

Men receiving draft notices—753 (110 volunteers for induction and 643 non-volunteers).

Men who did *not* show up for induction—326[1] (16 volunteers and 310 non-volunteers).

Men inducted after the final physical examination—324.

Undoubtedly some of the draft system's apparent inefficiency here results from the changeover to the lottery system last January. City draft officials claim that what was missed in quotas in the early months of this year will be made up later. Local boards, after all, have an abundance of young men in the draft pool. If one man doesn't go, there is, in theory, always another man to send in his place.

The more significant fact is that draft boards must cast their nets ever farther and deeper in the pool. The lottery was adopted to make the draft more equitable—more fully a matter of chance. The elimination of graduate-student, fatherhood and occupational deferments should have blocked off the most heavily trafficked avenues of draft-avoidance. Nevertheless, men determined not to serve seem to have found many alternate routes—the great majority of them legal.

Last week the Supreme Court widened one avenue of escape when it decided that men who object to military service on moral and ethical grounds need not base their claim for exemption on religious beliefs. The court, in effect, has given "deeply held" personal ethics equal standing with religious convictions under Selective Service statutes.

Objection to military service on grounds of conscience has not been a major problem to draft boards in the past. But last week's ruling, broadening a similar decision in 1965, can only make their work harder in the future. For, sometimes by accident but more often by astute preparation, more and more men are learning how to beat the system. Counseling agencies have proliferated all over the metropolitan area. One of the major ones, the American Friends Service Committee, which handles some 275 cases a month, must refer to other agencies one out of two men who seek its services because it can't handle the load. Its referral list has 30 agencies. The New York Civil Liberties Union publishes a booklet detailing counseling services in the metropolitan region of New York, New Jersey and Connecticut; it runs to more than a hundred pages in length. In September, city high schools will have their own draft counselors.

Scores of New York attorneys have a substantial portion of their practice taken up with draft cases, and at least one firm deals exclusively with Selective Service and military clients. The rate of success for counselors and attorneys is phenomenal: an informal poll of counseling agencies indicates that at least four out of five young men who use their services end up avoiding the draft. Attorneys claim even better odds. Steve Fine, whose firm, Lubell, Lubell, Fine and Schaap, is handling some two dozen cases right now, says, "Although we would never guarantee anybody anything, the number of men we represent who eventually avoid the draft is pretty damn close to a hundred per cent."

With counseling and an increased awareness of Selective Service procedures, more and more men are exercising their appeal rights. According to Paul Akst, a retired Air Force colonel who is the New York City draft di-

[1] This figure is slightly inflated because it includes 87 men who enlisted.

rector, the number of men using appeals has doubled in the last several years despite the fact that draft calls are now about half as large.

The great increase in appeals comes at a time when the city's draft boards, according to Colonel Akst, are operating with only half as many employees as they need. The number of paid full-time employees has actually dwindled from 330 in 1967 to 260 today, and the city's draft headquarters is prohibited from replacing any employee who quits unless it first receives special permission from Washington. To cope with the situation, Akst had to close down all local boards to the public last fall between the hours of 2 p.m. to 5 p.m. They are still closed afternoons, and, says Akst, "They'll continue to be until we catch up—if ever."

For most men, appeals are not even necessary. Last year in New York City, approximately 67 per cent of the men who reported for a pre-induction physical were found disqualified, and given either I–Y or IV–F classifications. Of those who passed the first time, three out of ten were found disqualified when they were called back for induction. So far in 1970 these percentages have held approximately the same. Although a number of these men were rejected because they failed the mental (intelligence) test or because they were deemed "administratively" unsuitable, the majority were disqualified for medical and psychiatric reasons. Although New York has traditionally been slightly higher than average in rate of disqualifications, it has never been higher by as much as it appears to be now. In 1968 in New York City, for example, the number who were disqualified at pre-induction physicals was only 49 per cent, compared with 46 per cent nationally.

Thus, in a single year, 18 per cent more men were finding themselves disqualified at pre-induction examinations in New York City. From 1960 to 1968, the national average rose only 17 per cent.

Are the men just less healthy?

Not even the Army buys that explanation. It conducted a study last year in which the Army Surgeon General attributed the increasing disqualification rates in large respect to the increasing number of college graduates being examined. The Army termed them "more sophisticated about the standards and about potentially disqualifying defects."

The "standards," known to the Army as AR 40–501 *Medical Service Standards of Medical Fitness,* are distributed by the Government Printing Office for $1.75 and now line the shelves of practically every draft-counseling agency and every draft attorney's office. AR 40–501 lists more than 400 disqualifying defects. Although in most instances it spells out what it takes to qualify for a certain defect, in others it is riddled with ambiguities such as "pain [as a cause for rejection] . . . regardless of the cause which is of a nature or a degree to preclude satisfactory performance of duty."

Extreme ugliness is a cause or rejection. So are obscene tattoos, and also certain childhood illnesses, and conditions which cannot be verified by examining Army physicians, such as degenerative joint diseases and back trouble. Conditions not severe but condition which calls for daily shampoo—are also grounds for disqualification.

"No one is so healthy that he cannot be an Army medical reject," writes David Suttler in his recent Grove Press book *IV–F, A Guide to Draft Exemption.* "The first thing to understand is that you don't have to be unhealthy to be unfit."

No surprise, then, that more and more inductees and pre-inductees are showing up at their physicals with a physician's letter in hand testifying to one or more of the 400 disqualifying defects, including psychiatric disorders, which are so ill-defined in AR 40–501 that they could theoretically, as one psychiatrist put it, encompass every neurotic trait from bed-wetting to nail-biting. Sympathetic physicians abound, and many counselors and attorneys maintain their own lists. "Somebody can *always* find a doctor," says one draft attorney.

Induction stations are chronically understaffed. "Because of this," says Major Maher, "they have had to rely more and more on what is in the doctor's letter in determining whether the registrant is fit."

"Even when we suspect malingering, to prove it is very difficult," Colonel William G. Peard, head of the Army department which sets the medical standards for induction, told David Suttler. "A registrant may play upon some defect which might be minor, and it's almost impossible for a physician to say he's lying."

What happens to the minority of men who are determined to stay out of the Armed Forces but who find themselves classified as physically qualified? What are they doing?

For the most part, they are delaying through appeals, playing the lottery, turning more resolutely to conscientious objection, and finally, if all this comes to no avail and they are still determined, refusing to be inducted.

Before last January, delay in itself had an ultimate purpose. Once a man had passed his 26th birthday without an induction notice, no matter how he postponed it, he was no longer vulnerable. When the lottery was instituted, however, this loophole was closed. The new regulations specified that any man who had an appeal or an examination pending on his 26th birthday could still be drafted once it was resolved. Also, because of the lottery, protracted delay became a liability—sometimes an impossibility—for registrants generously under 26. Although burdened with a backlog, New York draft boards have now made it standard procedure to expedite work on files with low lottery numbers. In any case, those men who manage to delay with appeals that are resolved in 1971 will be drafted before anybody in the 1971 pool if their number was passed in 1970.

Other than those men who are gambling on an end to the draft or the fruition of the Pentagon's alleged plan for zero draft calls, and those men who are searching to develop deferments, delaying in the lottery has become an extremely selective matter, useful mostly to those men with marginal numbers of 180 and up. (Through official and informal procedures a delay of from four to 12 months is possible).

The major reason men are delaying at all is the unpredictable nature of the lottery. Selective Service officials in Washington and New York expect it to peak at its highest number in late summer, after which those men whose student deferments have expired and whose appeals have concluded will be drafted. Each month each board fills its quota by starting at number one and working upward.

Counselors and attorneys who have scrutinized the lottery are advising their clients to plan delaying techniques so that the appeals get resolved in late November, leaving them eligible for at least the December call. This means that a man with, say, number 220, who would have been drafted in September had he not been appealing but who becomes eligible for the December call when his board only reaches up to, say, 190, has for all practical purposes avoided the draft. Colonel Akst predicts that the lottery will peak at most New York boards in August or September at around number 240.

These measures—as counselors and attorneys warn their clients—are risky because they depend on a number of unreliable factors, such as draft board efficiency. If his board fails to reclassify a man until January, and if his number was called any time in 1970, he then finds himself a prime target for induction in 1971.

There are a number of other avenues men are using to avoid conscription which have nothing at all to do with the lottery. One, publicized in the Los Angeles magazine *Counterdraft,* is designed to parlay student deferments past the age of 26. The process is complicated, but nonetheless Colonel Akst said it was quite possible. It involves a student's changing his major and attending college for an extra year, applying for conscientious-objector status—which few have gotten—and ultimately using a I–SC deferment (a special classification which permits a man to finish his academic year) to cancel an induction order. Upon graduation, *Counterdraft* shows, this man has passed his 26th birthday, is not appealing, and has therefore safely escaped the draft.

Another avenue out of the draft—it is not legal, and its impact has yet to be measured—was inspired by a recent Supreme Court decision which bars prosecution after the 23rd birthday for young men who fail to register for the draft, as required, at age 18. The United States has no central birth registration, and since the Selective Service, the FBI and the U.S. Attorneys are already overburdened with draft violations, the government does not check on its own initiative to determine whether men have registered.

In the first four months of this year, Colonel Akst reports, New York draft boards were getting an unprecedented number of men asking for status as conscientious objectors. Last week's Supreme Court decision will obviously encourage still more men to do the same. Estimates of the ratio of men asking for C.O.s, as they say, and those getting them varied wildly—some said 20 to 1, others 100 to 1. Clearly, most men could not have had high hopes of convincing their draft boards that they were indeed legitimate conscientious objectors. (A favorite draft board question is, "What would you do if a man attacked your mother?") But the claim itself has had great tactical value. It not only delays an induction, but it almost always serves as the foundation for a court case. A man who claims he is a C.O. before the induction order is issued—and frequently even after he has received the order—is often able to tie up his induction for another four to six months while a new series of appeals is being considered. Now, his case is stronger.

Twenty-two per cent of the men called for induction in New York last year didn't show up, and in the majority of cases it was not because they didn't get their notice. This year, although the percentage is as yet undeterminable, it appears, from the sampling taken in April, to be rising considerably.

What happens to a man who doesn't report for induction?

First of all, he gets one and possibly two more chances before his file is turned over to the U.S. Attorney. "We write him and ask him why he didn't show," says Colonel Akst. "If he doesn't answer we write to a person who knows his whereabouts, because it's possible he didn't get the notice." Obviously, if all the men who didn't report the first time around were referred to the U.S. Attorney's office, the situation would become virtually unmanageable.

For the majority of men, however, inductions are subsequently postponed, or canceled and classifications are reopened, usually because of a last-minute claim for a deferment—student, conscientious-objector, but most often medical and psychiatric. "There's no doubt about it," says Major Maher, "there's been a terrific increase in the number of post-induction claims, a terrific increase in the amount of new medical evidence presented after the induction order. More and more men are anxious to stay out of the Army and more and more men are aware of the various means to delay their inductions."

If, despite second chances, postponements, cancellations and reopenings, a man still fails to report for induction, his case is turned over to either of two assistant U.S. Attorneys, each of whom operates his own grossly understaffed one-man Selective Service Unit. (The city is divided into two jurisdictions. One, the southern district, encompasses Manhattan, the Bronx and several upstate counties; the other, the eastern district, includes Brooklyn, Queens, Staten Island and Long Island.) Last year these two men had on their desks a total of 6,800 New York City files, only 400 less than the total number of men inducted in the same period. In other words, for nearly every man inducted, another man refused induction or didn't show up.

Then on January 19, the Supreme Court reversed the conviction of 22-year-old David E. Gutknecht of Gaylord, Minnesota, for refusing to be inducted. His induction had been speeded up by his local draft board after he left his draft cards and an anti-war statement on the steps of the Federal Building in Minneapolis.

The Gutknecht case cleared the two assistant U.S. Attorneys in New York of several thousand cases. In each instance, the file went back to the draft board with instructions to reprocess it.

Not all of these cases—and probably not even the majority—were protesters like Gutknecht. They were, in Selective Service jargon, *delinquents*, men who did not obey in one way or another the letter of the regulations—they didn't inform their draft boards of address changes; they neglected to carry their draft cards; they failed to show up for pre-induction physicals—and as a result they were drafted before anybody else.

The Gutknecht decision provided some temporary relief to Peter Truebner, the assistant U.S. Attorney prosecuting draft violations in Manhattan and the Bronx and to his counterpart in Brooklyn, Vincent J. Favorito. But not for long. "I imagine," says Truebner, "we'll be getting many of these cases back."

A man can no longer be drafted for his delinquency. He must be prosecuted. "Just what we didn't want to happen," says Colonel Akst. "We didn't want to make criminals out of them." More paperwork, more investigation, more delay.

Even though such cases are beginning to flood the assistant U.S. Attorneys, because of the backlogs not a single man in New York has been indicted for a delinquency. The New York Civil Liberties Union's resident draft expert, Ed Oppenheimer, predicts delinquent files will ultimately be returned to the local boards without an indictment, and then, if the man's lottery number comes up, he'll be called for induction. If not, he'll go free.

Only if a delinquent eventually refuses induction, Oppenheimer presumes (and Truebner, although noncommittal, says he's "inclined to agree"), will he be faced with a multiple-count indictment—that is, if either assistant U.S. Attorney ever has occasion to indict him.

"We don't like to prosecute draft cases," says Peter Truebner. "We view prosecution only as a last resort, and as a matter of fundamental fairness."

Fewer than one man in a hundred referred by Selective Service to either Truebner or Favorito is ever indicted. Both assistant U.S. Attorneys spend much of their time simply convincing delinquents to at least take the Army's physical, assuring them that if they fail it, everything will be forgotten. Almost all finally do, and, according to Major Maher, 95 times out of 100 they fail.

"We have a lot of protesters who are IV–F or I–Y," says Major Maher. "We have a lot of these men who disqualify for medical, psychiatric and security reasons."

Those who won't be inducted and who won't take the examination (or the 5 per cent who take the examination and pass it) are still a long way from jail. Truebner and Favorito must first scrutinize every Selective Service file referred to them, with an eye toward procedural errors which would result in an acquittal. If the file survives this first examination, it is then turned over to FBI investigators. All this takes, on an average, close to a year. Sometimes, the man is eventually indicted and charged with refusing induction. But according to Truebner, "barring bad faith or aggravated circumstances" (he cannot recall a single case of either), charges will be dropped for any man who says he will "submit to induction" at any time up to and often even including the day of his trial. If this man fails the induction examination, he goes free.

Furthermore, in the process of all this delay, a man may have developed a basis for a deferment. Otherwise, by this time, if all else has failed, a man finds that up to three years have elapsed. The average sentence for a draft violator in New York, according to Truebner, is two years in a minimum security prison, which means that, if paroled, he is not likely to serve more than eight to ten months. Had he allowed it, he would have been conscripted for two years.

Few, of course, ever face prison. The Justice Department says that as of this year only 522 men in the country are serving sentences for draft violations. This number is actually 205 fewer than in 1967, when evading the draft was a much less sophisticated matter.

SMITHSONIAN'S FOLKLIFE FESTIVAL FEATURES GRASSROOTS AMERICANA

Mr. YARBOROUGH. Mr. President, we in the United States are privileged to stand in the midst of a vast and varied cultural heritage. Not only does each American enjoy the distinctive ways of his own family, ethnic group, region and occupation which comprises his traditional or folk culture, but he also shares with all Americans a common body of customs and traditions which is our national culture and heritage.

In recent years, Americans have come to understand that we are a Nation of many cultures whose preservation displays an admirable sense of individuality which has kept our people from becoming a mass. These diverse cultures, stemming at times from ethnic backgrounds or sometimes from occupational or geographic groupings, make up the fabric of which our Nation is composed.

For the third year in a row, the Division of Performing Arts of the Smithsonian Institution is sponsoring the Festival of American Folklife, an event which draws scores of thousands of individuals to the Mall to view the various musical, dancing, and craft exhibits from the backwoods, the mountains, and the cities of America.

This year, the festival will be held July 1 to 5, again on the Mall, near the Smithsonian. From 11:30 a.m. to 6:30 p.m. each day, the Mall will be alive with the music, dancing, and crafts exhibits of people from throughout the Nation. At 8. p.m. each day except the Fourth of July, there will be public square dancing followed by folk music at the Sylvan Theater on the Washington Monument Grounds.

I commend this fine festival of American folklife to Senators, constituents, and the American people generally and ask unanimous consent that a feature article appearing in the Washington Sunday Star of June 28, 1970, interestingly written by Staff Writer Herman Schaden, that depicts this outstanding festival so completely, be printed in the RECORD.

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

FOLKLORE FESTIVAL FOCUSES ON ARKANSAS, INDIANS

(By Herman Schaden)

Ralph Rinzler couldn't believe his eyes.

"Everywhere I looked Indians were getting shot," said the director of the Smithsonian's Festival of American Folklife. "I found it hard to believe people were still portraying the American Indian this way."

That's how it happens that Indians, the authentic kind, will have a prominent part in the fourth annual festival on the Mall, Wednesday through Sunday.

Rinzler's awakening was hastened by daily exposure to TV westerns under duress of a hospital bed.

"I was very much irritated by this image being offered the youth of America and was determined they should see how the Indian really fits into the mainstream of our culture."

Indians and children's programs and the dairy industry and the state of Arkansas—these are some of the new elements this year expected to attract more than half a million spectators over the five days.

From 11 a.m. to 6:30 p.m. each day the Mall near the Smithsonian museums will be alive with the music, dancing and crafts exhibits of people from the backwoods, mountains and the cities. At 8 p.m. each day except the Fourth there will be public square dancing followed by the very essence of folk music—this year for the first time at the Sylvan Theater on the Washington Monument Grounds.

"In the past we have shown that America does have a rich and varied culture of its own and that its nature is kaleidoscopic," Rinzler said. "This year the key is perspective and style. We will show how folk culture has survived through the family, the source from which we learn most of all."

Visitors' pleasure will be heightened if they bear in mind that everything they see and hear is unadulterated grassroots Americana, handpicked by Rinzler and others operating under James R. Morris, director of the Division of Performing Arts. That's what pegs this festival a cut above any others which accept ersatz participants.

Arkansas is this year's honored state, occupying an area of its own, and that means the kind of fiddling and guitar-picking made famous by Jimmy Driftwood's Mountain View festivals. And Joe Willie Wilkins' blues band featuring Theophiles "Fat Hurd" Hessanaha on the drums.

It means demonstrations of making corncob jelly, barrels, saddles, fiddles, finger wearings, split oak cotton baskets, knives, quilts, cornhusk dolls, chairs, quill turkey callers and lifesize human figures carved from walnut. It means Ira Tillman of Gould grinding sorghum with mule power and boiling the cane. It means Herman Wilderkehr's family from Tontitown making wine by a process imported from Switzerland.

Emphasis on the family group will be much in evidence. Colorful Willard Watson will be back from Deep Gap, N.C., with wife Ora, for the fourth time. Willard isn't bringing his still this year but he's hauling up a dozen other Deep Gap Watsons, including the renowned Doc Watson, for a special musical spot on the Sylvan stage.

BLUES SINGERS

Speaking of deep-rooted authenticity, look at the Addingtons and Carters from the Tennessee and Virginia mountains. Maybelle Carter, doyenne of country musicians, cut

her first record 47 years ago at age 17, and it still is a famous disc, folklorish Rinzler says.

She's almost unique as a woman guitarist from whom Woodie Guthrie and others copied. She's also the mother-in-law of Johnny Cash, if that is easier to identify with. Members of the Addington family (Maybelle's maiden name) and Carters also will have a featured spot.

Some of the greatest black blues singers of all times will be on the Friday evening show—Mance Lipscomb, Sleepy John Estes, James Yank Rachel, Arthur Crudup, Booker White, plus the Joe Willie Wilkins blues band.

Sharing the stage that evening will be another festival innovation, the introduction of two younger groups who have preserved the spirit and esthetics of musical origin. Rinzler has highest praise for the Pennywhistlers seven young women from New York and the Bronx who harken back to Slavic-Jewish heritage with "gutsy singing" of Eastern European peasant songs.

Equally valid are the New Lost City Ramblers—John Cohen, Tracy Schwarz and Mike Seeger—a young version of an oldtime string band.

Two Sacred Harp Groups from Alabama and Georgia, singing from traditional "shape note" hymnals, will share choral interest with Bessie Jones and the Georgia Sea Island Singers. The 200,000 Portuguese in the Greater Boston area will be represented by two families of fado singers, the Lebres and Pimentals.

John Jackson, a Fairfax, Va., blues guitarist, will perform while his wife, Cora, churns butter. Another Washington area stalwart, 77-year-old Elizabeth Cotten, will display a native Arkansawyer's guitar work. The indomitable Almeda Riddle will be heard when Arkansas takes over the stage Sunday night.

Dancers? For groups there are the Chinese American Youth Group of Washington in their dragon dance and the Blue Ridge Mountain Cloggers of North Carolina and a number of jig soloists.

Festival planners thought it time to introduce younger children, 5 to 10, to the folk world with music, dances and games tailored for their shorter expanse of attention. So each day between 1:30 and 3 p.m. there will be participation programs with titles like "Let's Go Hunt a Bear," "Black and Proud," "Down in the Arkansas," and "Beyanunh, Let's Play," an Indian program. Some of these will be in the dairy area near a haywagon to romp in, others in the Indian area.

"There will be black children from Arkansas and Georgia, and Indian children from Oklahoma to dance and sing," Rinzler said. "It would be well if inner-city church groups would bring children down, for seldom has such a program been offered with which the children can relate. Who has seen all the aspects of Indian folklife so presented? All children, black and white, would carry away an idea of the range of culture and its importance on the broad spectrum."

The scope of Indian participation has never been equalled here.

"It is like transporting some of Oklahoma to Washington," said Mrs. Clydia Nahwooksy, a Cherokee from Tahlequah, Okla., and head of the Smithsonian's American Indian program. It was she who invited the 100 or more Indians and arranged the comprehensive folk program.

Mrs. Nahwooksy regards it as the finest chance ever for others to see the real American Indian—"not the wrong concept given by television, but a true picture of the Indian with a sense of humor, the Indian who can don his traditional costume on weekends and the other days manage a bank, run a railroad or a store."

Most of the Indians are from Southern Plains tribes, largely from Oklahoma—Kiowas, Poncas, Ponca-Sioux, Comanche, Kickapoo, Osage, Cheyenne, Kiowa-Choctaw and Arapaho. Indians from other areas will be invited to subsequent festivals until the bicentennial of 1976.

Every night except the Fourth between 8 and 11 there will be realistic pow wows on the Mall, dancing to a big drum, ceremonies, songs. Every day there will be teepee-raising, craft demonstrations in tanning, headdress, cradleboard and moccasin making; bone carving, bow and arrow making, and silver jewelry designing.

INDIAN GAMES

Cooking demonstrations will include "fry" bread, the drying of beef for pemmican. There will be all manner of Indian games. Most important to Mrs. Nahwooksy are daily panel discussions between 3 and 5 p.m. when Indians will talk about themselves, discussing medicine, religion, urban Indians, Indian rights, history and legends and Indian youth.

The dairy area will be a kind of "Moo-in on the Mall." Sponsored by the Dairy Industry Committee of Greater Washington, there will be 10 cows of various breeds, to be milked twice daily. There will be all kinds of elementary home-style churning, cheese-making and baking. Paul Shank of Lancaster, Pa., will make smearcase. Leave it to Mrs. Jaroslawi Tkach of Bloomingberg, N.Y., to prepare and hand out blintzes.

All that is pure folk dairy processing. For a look at the modern ways of running a dairy, the Agriculture Department is setting up milking machines, churns and the like in its courtyard on the Mall.

Of course, there will be vittles, too. One menu from Arkansas includes fried chicken, cornbread and sweet potatoes. For an Indian repast there will be barbecued buffalo.

PROCLAMATION TO AMEND OIL IMPORT PROGRAM

Mr. BROOKE. Mr. President, on June 17, President Nixon issued a proclamation amending the oil import program in accordance with the recommendations of the Director of the Office of Emergency Preparedness and the Oil Policy Committee. This proclamation provides, in part, for the importation of 40,000 b/d of No. 2 oil into district 1 during the second half of 1970.

I commend President Nixon for his recognition of the burden that high fuel oil prices have placed upon the consumers of the Northeast. This proclamation is a vital first step in reducing the high prices and increasing the short supplies of this commodity in the region of this country, which uses more No. 2 oil than any other.

I am hopeful that this proclamation will be followed by other equally necessary changes in our present burdensome import program. I encourage the Oil Policy Committee to work on and recommend further changes that will remove the weight of this program from the shoulders of the American consumer.

Mr. President, I ask unanimous consent that the statement of the New England Governors' Conference be printed in the RECORD.

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

STATEMENT OF GOVERNOR CURTIS ON BEHALF OF THE NEW ENGLAND GOVERNORS' CONFERENCE

President Nixon yesterday announced his decision to grant an additional 40,000 barrels per day of Number 2 heating oil to Independent Terminal Operators on the East Coast. For the consumers of New England and Maine, this is a foot in the door of the previously closed oil import program but a drop in the bucket of our total needs.

It is a foot in the door, because it is the first official recognition of the hardship which the oil import program imposes on the Northeast. It is some recognition that the two years that the political and business leadership of our region has spent challenging this program, documenting its inequalities, and pursuing all possible appeals is beginning to have some effect. The deepwater terminal operators are now allowed to participate more fully under the program, and I am encouraged to note that the White House describes this as an interim step.

It can only be interim, for 40,000 barrels per day will have no effect whatsoever on the fact that our region's heating oil prices are between two and three cents per gallon higher than they should be. The total East Coast daily demand for this product is one million barrels, so the amount put forth by the President is a mere four percent of the total need and cannot have a meaningful effect on overall prices. It is vitally important that New England consumers understand that this 40,000 barrels per day applies to the entire East Coast and that the actual grant to New England is approximately 15,000 barrels. Maine, which consumes nearly 30,000 barrels per day, will receive no more than 1,000.

It is also important that we realize that the President's simultaneously announced increase of 100,000 barrels per day of crude oil is meaningless for New England, for this is Canadian oil earmarked for the Midwest. It will be refined into gasoline, not heating oil, and it will not be marketed in New England.

In short, therefore, while I am pleased that the President has recognized the unfairness which this program imposes on New England, I must point out that his proposed relief does not reach the real problem of high prices. To lower these prices to the national average, to further lower the national average, to aid in the urgent fight against inflation, and to achieve simple justice, the President should follow the recommendation of his Task Force on Oil Import Control to the effect that he could achieve more security at less expense by abandoning the present program in favor of moderate tariffs. Alternatively he might completely decontrol heating oil or at least heed the unanimous recommendation of the New England Governors and Congressional delegation that he consider allowances of 150,000 barrels per day instead of just 40,000. Even this tentative step would begin to pare down the unjustified subsidy to the major oil companies while bringing New England regional price relief approaching two cents per gallon.

A CORPORATION PRESIDENT TALKS TO THE STUDENTS

Mr. EAGLETON. Mr. President, earlier this month Mr. H. I. Romnes, chairman of the board and president of American Telephone & Telegraph Co., made the commencement address at St. Louis University.

As Mr. Romnes noted in his speech, he knew of no other head of a major American business who had been asked to speak at a commencement this year. In the case of Mr. Romnes, I consider it the students' loss that he was not invited to speak at other campuses.

His speech at St. Louis University was sympathetic to and marked with an intelligent understanding of student aspirations and ideals. It also contained good, commonsense advice to young peo-

ple about how to make those ideals become realities in American life.

He offered what he called a modest prescription for this country: A restoration of confidence in our ability to solve our own problems; a restoration of rationality to the processes by which Americans make up their minds on great issues and small, and communication, open and with good will, between the generations, the races, and others.

He advised young people to learn how to make the system work for them, rather than to continue to try to tear it down. He said many other things that are worth hearing. I ask unanimous consent that Mr. Romnes' speech be printed in the RECORD.

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

COMMENCEMENT ADDRESS OF H. I. ROMNES, ST. LOUIS UNIVERSITY, JUNE 6, 1970

Last February, when I first received the University's invitation to speak at your commencement, I confess I was surprised. In my reply to Father Reinert, I surmised that there would probably not be many businessmen speaking at commencements this year—and events have borne me out. Among all my business acquaintances, I—so far as I know—am the only one. As the events of the Spring unfolded and the news came in of more and more unnerving campus confrontations, I couldn't help but ask myself "Why me?"

For the first time in my life I fully understood the sentiments of the fellow in Abraham Lincoln's story that you have all heard so many times before—the fellow who was tarred and feathered and run out of town on a rail and who, when asked how it felt, replied that if it weren't for the honor of the thing, he'd just as soon walk.

A great many things have happened since last February. But even then it had been apparent for some time that a great many students have grown wary of business—and particularly big business. They appear to view the corporation as the embodiment of an Establishment that puts property and profit above human values, that somehow conspires to sustain a wretched and degrading war and stands in the way of an urgent reordering of our national priorities.

But back in February it was beginning to appear that the war was actually being wound down. And there was at least the beginning of hope that Americans, shocked by the news pictures of that demolished townhouse on West 11th Street in New York, might begin to ask themselves "What are we doing to each other?" and seek more reasoned ways to solve their differences.

Then came a series of events that set us back.

The Administration's decision to send American troops into Cambodia, however earnestly intended it was as a move to save lives and shorten the war, appeared to a great many young people—and some not so young—as an escalation of the war and they reacted in numbers and with a degree of outrage that startled the nation.

Then four students died at Kent State—and two more at Jackson State. And six black people died in Augusta.

Across the nation colleges closed down—some for days, some for weeks. And some are still closed.

These have been strange and troubling times—and I, along with a great many other people, have found myself experiencing unaccustomed events, thinking unaccustomed thoughts.

For example, a few weeks back I found myself conducting A.T. & T.'s Annual Meeting in Cleveland while two or three thousand young people marched in protest outside, shouting their opposition to the war and our alleged complicity in it.

On your own campus, a number of your classmates took issue with my selection as your commencement speaker. In their view I was not a speaker appropriate to the times or a fit symbol of the aspirations of your generation. It is not for me to say that they are wrong. I would only ask you to grant that it might just be possible that a businessman, whether his views match yours or not, might be quite as concerned, quite as anguished over the events of the past few weeks as any of you.

In recent weeks I have received a great many letters, mostly from students and some of them deeply moving letters, asking me to speak out against the war in Vietnam. I have tried to answer every one of those letters. And it may surprise some of you who have the impression that business is comprised of people of absolutely identical views that just a little over two weeks ago I found myself in earnest and extended discussion with a group of A.T. & T. management employees who had written to me urging me to make a statement of concern about our country's course.

I am afraid that in neither instance—either in my letters to the students who had written to me or in my discussion with our own employees—were my answers fully satisfactory. I can only tell you what I told them—and that is that whatever I might say about the war would be inevitably construed as the views of the business I head and that—on matters that are beyond our competence as a corporation—I do not believe I have the right to make such a commitment. The Bell System does—after all—employ nearly a million people and it is owned by more than three million—and I think it can safely be assumed that these people hold views about the war that are quite as various as those of Americans generally. By what right could I speak for them?

Furthermore, as a citizen, I would be seriously worried about the imbalance in our national decision-making process that might develop if corporations exercised their influence—their alleged "power"—in political matters that are properly the business of the general body of citizens to decide.

Whether the urgency of the times permits my correspondents to heed—or even hear—these observations I do not know. What I do know is that these discussions, distracting and demanding as they are, are not an empty exercise. For if there is a virtue in times of stress like these, it is that they force us to examine previously unexamined assumptions and test the reasonableness of what we have all too comfortably taken for granted. The questions I have been exploring with my young correspondents are not easy questions. They are at one and the same time political questions, economic questions and ethical questions. They force us to re-examine the role of the individual in relation to the institution of which he is a part. And—what is most discomfiting of all—they force us to re-examine our own motivations as well. I know that this kind of re-examination has been going on with a great deal of intensity on university campuses these days. I thought it might interest you to know that it is going on in business as well.

We hear a lot these days about the "crisis" in our society, about divisions so deep—between young and old, black and white, rich and poor—that they are almost beyond healing. "Crisis" is a word that I am most reluctant to use, even to describe so perilous a passage in our history as the present one—first of all because we have had so many "crises" in recent years that turned out to be simply problems and, second, because, however much the word might satisfy our own yearning for a unique place in history, it implies that somehow events have gone beyond our capacity to manage them. This I don't believe has happened and—what is more—I don't believe we are going to let it happen.

There are a good many aspects of the current scene that I confess I just don't understand.

I do not understand, for example, how it can be believed that—in whatever cause they're used—shouted obscenities and mindless vandalism bring anything but discredit to that cause.

I do not understand how understanding is served by burning books or banks—or by flaunting the Vietcong flag while desecrating our own.

And I do not understand what it is that our society has done to some of its sons and daughters—very few, I am sure, but so often described as among the gentlest and brightest of your generation—that drives them to seek peace with the tactics of terror.

At the same time, I must tell you that I do not understand the members of my own generation who characterize—indeed stigmatize—yours on the basis of the actions of a tiny minority among you.

Nor do I understand those of my contemporaries who appear to equate dissent with disloyalty while at the same time they claim exclusive title to the badge of patriotism for themselves.

Finally, I do not understand those, whatever banner they march under, who use it as an excuse to vent their spite against ideas not their own, people unlike themselves.

What I do understand, however, is what every American must understand by now—and that is that we are a deeply troubled and divided country and that we had better begin to ask ourselves what is happening to our country before it is too late.

We need—I think—if I may offer a modest prescription—three things.

We need to restore confidence in our ability to solve our own problems. In short we need confidence in ourselves—and in each other.

We need, I think, to restore some measure of rationality to the processes by which Americans make up their minds on great issues and on small.

And we need to communicate.

Let me say just a few words about each of these needs.

For me confidence that we can and conviction that we shall surmount our present difficulties comes from the reminder that this is not the first time in our history that we have been a deeply divided country. In my recollection if not in yours there has been violence in our streets before—and angry people watched by soldiers with bared bayonets. I am thinking of the 1930s when there seemed no answer but despair to the ever-mounting toll of lost jobs, lost farms, lost people. And there seemed no prospect either of resolving the sometimes bloody confrontations between management and labor. Then as now events seemed to be taking their own inexorable course and it appeared we had lost control of our own destinies. Yet somehow we found our way through—not by luck but because Americans had in that period, as I believe they have today, the will and the wit to renew their institutions—indeed to invent some new ones—to match the challenge of the times.

There is one other lesson in that half-forgotten experience. Perhaps it is only a sentimental memory on the part of those of us who were young at the time, but somehow Americans seemed to grow closer together in those days and, when they were over, we were a stronger people as a consequence.

Once again American institutions are being challenged—this time not by the destitute but by the young. A new generation

is demanding—sometimes stridently—a voice in the shaping of the world it will inherit. As a read it, the question that you put to us is simply this: does the institutional framework of our society—this thing you call the Establishment—have the resilience to respond to the new needs of the times or are its purposes so limited, its processes so rigid that it cannot meet the needs of the more humane society to which you aspire?

The question, you must admit, is an arrogant one. But I happen to believe that you are in earnest. I believe that you do in fact intend to change the world.

But what kind of a world that will be is going to depend in large measure on how you go about it. What I would like to suggest is that there are limits to passion, however noble the cause that inspires it. Sooner or later, when the last demonstration is done and the shouting is over, someone is going to have to apply himself to the hard tasks of building the new and better world you want. Someone is going to have to write the new constitutions that will open our institutions to the larger measure of shared decision-making that your generation so clearly demands. Someone is going to have to devise the new technology it will surely take to mend the ravages of the old. Someone is going to have to address himself concretely to the task of matching our outmoded patterns of local government to the needs of a society whose problems do not stop at the town lines. And someone is going to have to face the thankless task of reckoning the cost of what we want to do—and somebody is going to have to figure out who pays.

Obviously these tasks are going to take a great many somebodies. What I mean to suggest by this recital is simply that the achievement of your generation's aims, much as they depend on the conviction with which you pursue them, will depend even more on the plain down-to-earth competence you bring to the job. Developing that competence is lonely work, but how well you do it will determine, not merely your own satisfactions in life, but what your generation will have to show to its posterity when it comes your turn to make commencement addresses.

Through all of our country's history thus far, the individual has been the fundamental unit of value in our society—and I for one am not ready to grant that population growth or the massive scale of our problems have made the notion obsolete. Indeed, I would suggest that the opposite is true—that the quality of our society will increasingly depend on the quality of its individual components—the skills and energy that each of us brings to his chosen field of endeavor, the sense of responsibility that each of us brings to the task of citizenship.

Tomorrow's world, if we build it well, is going to be built, not in our streets, but in our town halls and city halls and in the corridors and meeting rooms of the Federal Government. It is going to be built in our schools and in our neighborhoods. And it is going to be built in business.

It is not my purpose here to recommend that any of you, if you have chosen otherwise, seek business careers. It will not surprise you, though, that I believe that business will in fact provide opportunities to shape the future as great or greater than some other pursuits that currently appear to offer more of the satisfactions of self-dramatization. In large measure the resources we can apply to our social objectives and the opportunities our society will afford its people are going to depend on the performance of American business. And it is business, I believe, that will provide the central testing ground of our ability—the ability of all Americans—to work together in dignity and mutual respect.

But whatever path you choose in life, I hope you come to share what I deeply believe—and that is that what one man does—or does not do—even in a nation of 200 million people, a world of three billion people—can in fact make a difference. I recognize that I cannot urge this conviction on you without at the same time recognizing that those of us who are called leaders, if we would really lead, have a responsibility to do all we can to make sure that what I say is true, that our institutions do in fact provide freedom and scope for personal initiative and individual accomplishment.

And so what I have been saying comes down at last to a very simple injunction, perhaps too simple for an intellectual occasion like this one: Do a good job—and whatever you do, do it as well as you know how—as if the future of the world depended on it. Because it does.

Finally, let us communicate. Over the past year or so, my company has run a series of ads, illustrated with enigmatic figures in a strange and desolate landscape and bearing only these words: "To communicate is the beginning of understanding." I confess that when I first saw these ads I wasn't very enthusiastic about them. But somehow—if we can judge from the letters we have received from colleges all across the country—they spoke eloquently to a great many members of your generation. They said, your letters told us, something that desperately needs to be said—and I hope that, if we agree on nothing less, we can at least agree on that.

For surely, there is no more disturbing aspects of our time than that we appear to have lost the capacity to listen to each other with a decent respect for one another's opinions. Isn't it about time we restored some civility to public discourse? Isn't it about time that we abandoned slogans and in their stead addressed ourselves to the more constructive if sometimes more painful process of applying our rational faculties to the search for the right answers to society's problems—answers that, if they follow the pattern of the past, may never be fully satisfactory to anybody but that in the end may turn out to be best for everybody. And isn't it about time we stopped seeing each other as stereotypes and began seeing each other once again as individual human beings, all of us sharing the same human predicament, but each with his own hopes and anxieties, each with his own unique contribution to make in this world?

Perhaps a good place to begin would be to get rid of the notion that all the regiments of the concerned are ranged on the same side of age-30 and all the complacent and corrupt on the other. And should we not go on from there until at last we in this country no longer see each other simply as young or old, black or white, rich or poor, right or wrong but as particular human beings, each with ideas, feelings and aspirations to be judged not by their source but on their merits.

There are, of course, risks to communications. There is the risk that in the process we might discover that the world is a little more complicated than it seemed. There is the risk that we might discover frailties in our most firmly held convictions. And, finally, there is the risk that in seeking to change others, we may be changed ourselves. I think that these are risks worth running—and I hope you do, too.

My best wishes to all of you.

S. 3867—ORDER TO PRINT IN THE RECORD A SUMMARY OF THE EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970

Mr. NELSON. Mr. President, I ask unanimous consent that a summary of the proposed Employment and Training Opportunities Act of 1970, S. 3867, together with the text of the bill and a letter respecting the Employment and Training Opportunities Act from the National League of Cities and the U.S. Conference of Mayors, be printed in the RECORD at this point.

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

THE NELSON MANPOWER BILL—S. 3867

The "Employment and Training Opportunities Act" was drafted in response to 23 days of public hearings on the need for reorganization of Federal manpower programs, largely to answer objections to the Administration's bill, S. 2838.

Bill S. 3867 preserves the spirit and the goals of the Administration. The President, in his manpower message to the Congress on August 12, 1969, made these specific proposals.

1. "Consolidate major manpower development programs" (presently split among the Manpower Development and Training Act and the Economic Opportunity Act, and administered by the Department of Labor and the Office of Economic Opportunity.)

2. "Provide flexible funding of manpower training services so that they can be sensitive to and focused on local needs."

3. "Decentralize administration of manpower services to states and metropolitan areas, as governors and mayors evidence interest, build managerial capacity, and demonstrate effective performance."

4. "Provide more equitable allowances for trainees."

5. "Create a career development plan for trainees, tailored to suit their individual capabilities and ambitions."

6. "Establish a National Computerized Job Bank." (There was no objection to this proposal in the hearings; the authorizing language was not written into Bill S. 3867 on the assumption that language from the Administration bill would be acceptable.)

7. "Authorize the use of the comprehensive manpower training system as an economic stabilizer."

The President also stressed increased flexibility in fitting people to training programs, so that individuals could receive the kind of training dictated by their needs, rather than be forced into a rigid framework of programs.

Every one of these goals is achievable under the revised manpower bill, S. 2867.

a. The bill consolidates manpower programs under the Secretary of Labor. It would end the present confused situation under which these programs are authorized by two acts (MDTA and EOA) and under which responsibility is split among three Federal agencies (Labor, HEW, OEO). But at the same time it preserves several of the categorical manpower programs.

b. The bill provides tremendous flexibility and permits focusing on local needs. The Secretary of Labor, who is given clear-cut responsibility, can choose the state or local unit of government best suited to planning and delivering manpower services.

c. The bill decentralizes administration of manpower services by giving state and local units of general government the opportunity to plan and administer manpower programs, aided by councils of informed persons appointed by the appropriate chief executive of state or local government. It enables state and local government to develop professional manpower staffs which are vital to carrying out effective manpower programs.

d. The bill provides more equitable training allowances, which the President requested.

e. The bill strongly emphasizes *upgrading*, so that participants in manpower programs are not locked into dead end, entry level jobs.

f. Far more than any other bill submitted

in this Congress, the revised bill, S. 3867, implements the President's proposal that we "authorize the use of the comprehensive manpower training system as an economic stabilizer."

The bill would inaugurate a badly needed Public Service Employment program, so that the rapidly growing field of public service could absorb more of the graduates of manpower training programs or persons who "slip through" the employment opportunities in the private sector. For the first time, the Secretary of Labor and the state and local agencies administering manpower programs would have a powerful new tool to use in implementing manpower policies. They would have a source of actual *jobs*, as opposed to mere *training opportunities*, which they could administer in the most effective manner to fight poverty and unemployment and to stabilize the economy.

Public Service Employment has been endorsed by the National League of Cities, the Conference of Mayors, AFL–CIO, Urban Coalition, Urban League, many governors and a number of other organizations and witnesses before our committee.

SUMMARY OF THE PROPOSED EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970 (S. 3867)

Section 1. Short title (p. 1 of comparative print)

The Employment and Training Opportunities Act of 1970.

Section 2. Authorized appropriations (p. 8)

(a) Open-ended authorization for fiscal year 1971 and each succeeding year.

(b) Appropriated funds not expended in one fiscal year would not be returned to the Treasury, but would be available in the succeeding fiscal year.

Section 3. Advance funding (p. 9)

Authorizes advance funding.

Section 4. Legal authority (p. 9)

Requires that departmental interpretations of this bill in rules, guidelines, etc., be based directly on the legislation itself by requiring each such rule or regulation to include specific statutory citations. (Same provision is in education legislation.)

Section 5. Special limitation (p. 10)

Language based on that in present MDTA, to prevent use of federal manpower programs to aid so called "runaway industries", firms that leave higher wage areas for places where labor is cheaper. The language would also prohibit federal support for training programs in low wage industries where prior skill and training is not normally required.

Section 6. Labor standards (p. 10)

The "prevailing wage" provisions of the Davis-Bacon Act would be applicable to all laborers and mechanics employed by contractors or subcontractors in construction alteration, repair, etc., in connection with this act.

Section 7. Definitions (p. 11)

States include D.C., Puerto Rico, Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

TITLE I—PUBLIC SERVICE EMPLOYMENT

Section 101. Financial assistance (p. 12)

Provides that the Secretary of Labor shall enter into arrangements with eligible applicants under the title to provide funds to public and private nonprofit agencies to create jobs for the unemployed and underemployed in the public service area.

Section 102. Authorization (p. 12)

In addition to authorizing special appropriations of $1 billion annually for public service employment, requires that for fiscal year '71 not less than one-third and for fiscal year '72 not less than one-half of the total sum appropriated for this Act shall be available for public service employment. This section would require, then, a substantial public service employment program even if no specific funds for public service employment were appropriated.

Section 103. Eligible applicants (p. 12)

Eligible applicants shall be (1) States, counties, cities and other units of local government (but not special purpose districts or units) who set up Public Service Employment Councils, and (2) other public and nonprofit private agencies.

Section 104. Public service employment councils (p. 13)

(a) A unit of general government which wants to run a comprehensive public service employment program submits to the Secretary a plan for a Public Service Employment Council. The *plan* shall provide:

(1) The Governor, mayor or other chief officer of the unit submitting the plan shall appoint the members and the chairman of the council.

(2) Council *shall* include representatives of community action programs, public employment service, education and training institutions, business, labor, child care, education, environmental quality, health, recreation, other social service agencies.

(3) Chairman appoints staff (so, in effect the staff in a city, would be responsible to the mayor).

(4) Council shall prepare applications to DOL for public service employment funds.

(5) Council must have plans for continuing surveys of public service needs in community.

(6) Detail manner in which community action programs will be involved in development of applications.

(7) Set forth plans for evaluation of programs.

(8) Describe area to be served.

(b) The Secretary is directed to approve *plans* for public service employment council submitted by units of government if the proposed plan is consistent with the purposes of the title (including the requirement that programs of public service employment be "comprehensive") and meets the requirements of (a) above.

(c) One percent of the *total* appropriations for the Act are allocated for Public Service Employment Council expenses. Current manpower activities covered by this legislation were budgeted at $1.6 billion in fiscal year 70. With the additional $1 billion for public service employment authorized by this legislation. This could mean about $26 million to fund council activities, allocating according to the same formula as the overall public service employment funds.

Section 105. Applications (p. 15)

(a) After the Secretary has approved plans submitted by governmental units providing for Public Service Employment Councils, that Council is responsible for developing applications for funds out of annual appropriations. This section provides that the Secretary may provide funds only after his approval of an application from an eligible applicant. The application itself must contain a program to create jobs for unemployed and underemployed in public service fields including: health, public safety, education, recreation, streets, parks, municipal maintenance, solid waste removal, pollution control, housing and neighborhood improvement, rural development, conservation, beautification.

(b) An application for Public Service Employment funds must include—

(1) Assurances that the applicant will carry out or supervise the activities and services for which funds are sought;

(2) Description of area and target population;

(3) Recruiting and training plan;

(4) Description of unmet public needs and their priority;

(5) Description of jobs to be filled, work and skills to be acquired and approximate duration of assignments;

(6) Pay planned for participants and comparison to prevailing;

(7) Education, training and supportive services planned;

(8) Planning and training of supervisory personnel;

(9) Description of the role, and indication of the participation in the development and administration of the program of local public officials, area residents, representatives of private organizations.

(c) An application or an amendment to it can be approved only if the Secretary determines that—

(1) Application is consistent with this title;

(2) Meets requirements of subsections (a) and (b) of sec. 105;

(3) Local community action agency has had an opportunity to submit comments to the Secretary;

(4) Application has been reviewed by a panel of independent manpower experts at the local level to assure that the job needs applied for are realistic;

(5) Federal share of program not to exceed 90% of cost, unless waived by the Secretary in extraordinary circumstances.

Section 106. Allocation of funds (p. 18)

80% of appropriations to be apportioned to state and local applicants on the following basis: Each would receive the same proportion of the 80% total funds available as its total number of unemployed, heads of low income families and unrelated low income persons bears to the total number of such persons in the nation. The remaining 20% of funds, and any allocations not used by the entitled applicants, may be allocated as the Secretary deems appropriate.

Section 107. Special conditions (p. 19)

(a) No assistance may be given to any program unless the following provisions are met—

(1) No participant may be employed on projects involving political or religious activities;

(2) These must result in increased employment opportunities and not lead to even part-time displacement of currently employed workers, not result in the substitution of federal funds for other funds in financing a project;

(3) Wages paid will be the highest of: (A) minimum wage, (B) state or local minimum wage, or (C) prevailing wage in the area;

(4) To maximum feasible extent contribute to occupational development of participants;

(5) Participants must be treated on a basis of equality with other workers in workman's compensation, retirement, health insurance, unemployment insurance, etc;

(6) Safe and healthful working conditions on site;

(7) Each participant shall be advised of rights and benefits;

(8) Workman's compensation and unemployment compensation to be provided through ordinary channels or by self-insurance of the employer.

(b) Contribute to the elimination of civil service regulations and other artificial barriers to the advancement of the disadvantaged.

(c) Secretary shall prescribe regulations to assure programs have internal administrative controls, accounting requirements, personnel standards, evaluation procedures.

Section 108. Emergency employment assistance (p. 22)

(a) In addition to financial assistance under the regular Public Service Employment program, local areas as defined by the Secretary with unemployment in excess of

4.5% would be eligible for additional amounts to be determined by the extent to which area unemployment exceeds 4.5%.

(b) To carry out this provision the Secretary is empowered to transfer funds for immediate availability. When needed, the President shall submit to Congress the estimated funds needed to satisfy fully all requests under this emergency section.

TITLE II—COMPREHENSIVE MANPOWER SERVICES

Section 201. Secretary's responsibilities (p. 27)

The Secretary is responsible to carry out a program that will—

(1) Refer promptly all qualified persons seeking work to suitable jobs;

(2) Guarantee training and related services to all unemployed and poor;

(3) Training and related services for those in correctional institutions;

(4) Training and services to those who have just left or are about to leave the armed services;

(5) Develop early warning and standby plans for major economic dislocations;

(6) Expand upward mobility by promoting and encouraging adoption of employment practices that remove unreasonable barriers to employment;

(7) Reduce youth unemployment through closer relations between vocational schools and businesses;

(8) Upgrading programs for employed workers by public, nonprofit, and private employers.

Section 202. Use of funds (p. 28)

Use of funds, include, but are not limited to the following services—

(1) Basic education;

(2) Outreach, counseling, testing, work evaluation and adjustment, work sampling, recruitment, placement, follow up;

(3) Orientation, work discipline, and acclimation;

(4) Institutional and On-the-Job training, including upgrading;

(5) Supportive services including: health services, physical examinations, furnishing prosthetic devices, child care, bonding, residential support, etc.;

(6) Work experience including work of a socially useful nature for public and private nonprofit agencies in: health, public safety, education, recreation, parks, streets, municipal maintenance, housing and neighborhood improvement, conservation, rural development, beautification;

(7) Neighborhood Youth Corps in school language, jobs for 9th-through-12th graders to help them remain in or return to school. Programs to be developed in cooperation with schools;

(8) Help to the unemployed to relocate;

(9) Job Development, including the use of job redesign;

(10) JOBS type incentives to private and public employers including reimbursements for time employee not fully productive;

(11) Training and technical assistance for agencies conducting programs;

(12) Such other services as the Secretary deems necessary.

Section 203. Eligible applicants (p. 33)

(a) Secretary is authorized to contract with eligible applicants to carry out approved manpower programs.

(b) Eligible applicants—

(1) States, counties, cities and other units of local general government;

(2) Other public and private agencies (not necessarily nonprofit) including community action agencies.

Section 204. Prime sponsors (p. 39)

(a) To become a prime sponsor a unit of general government must set up a Manpower Services Council with duties similar to those of the Public Service Employment Council described in title I. (If so desired, the same Council could qualify for each title.)

(1) Chief executive shall appoint council members and chairman;

(2) Membership shall include persons representative of: community action programs, public employment service, public employment service, public educational agencies, community posts in secondary educational and training institutions, social service programs, including child care, health, vocational rehabilitation, welfare agencies, industrial development organizations, apprenticeship programs, business, labor;

(3) Chief executive appoints staff director;

(4) Council shall prepare application for federal funds;

(5) Council conducts surveys and analysis of manpower needs;

(6) Assure community action agency involvement in planning and implementation;

(7) Plans for evaluation of programs;

(8) Describe area to be served.

(b) Secretary shall approve proposals for Manpower Services Councils that he determines are—

(1) Consistent with purposes and meet requirements of section (a) above. No disapproval without opportunity for a hearing on which an apepal to the Secretary may be based.

(The Secretary would have to define the "consistent with the purposes" phrase in line with his responsibility to "carry out a program of *comprehensive* manpower services" (sec. 201).)

(c) Community action agencies may be designated prime sponsor for an area if the government chooses not to submit a plan, or does not submit an approvable plan.

(d) One percent of funds for the entire act shall be used to pay expenses of the council. (Note that this is addition to the one percent set-aside to pay expenses of the Public Service Employment councils. Council funds to be allocated on the same basis as overall funds.)

Section 205. applications (p. 46)

(a) Applications, prepared by the Manpower Services Councils shall set forth—

(1) Description of services funds are sought for;

(2) All programs to be administered or supervised by applicant;

(3) Arrangements with the public employment service or any other public or private agency to be spelled out;

(4) Description of area to be served, including demographic data (income and employment) on those to be served.

(b) Applications, and amendments, may be approved only if Secretary finds that—

(1) Application is consistent with purposes of this title;

(2) Meets requirements of section (a) above;

(3) Community action agencies in area have had chance to comment;

(4) States have an opportunity to submit comments on city and county plans;

(5) Local governments comment on state plans;

(6) Federal share not to exceed 90%, except in special circumstances.

Section 206. Health, education, and welfare (p. 53)

The Secretary of HEW must concur in DOL approval of programs relating to HEW programs including: health, education, child care, other supportive services, new careers and job restructing in HEW professions.

Section 207. Allocation of funds (p. 54)

80% of funds under this title to be distributed in same proportion as the number of people in local area in—

labor force
unemployed persons
persons heading low-income families
unrelated low-income persons

bears to the total number of such persons in the nation. This formula reserves 20% of funds to be distributed at the discretion of the Secretary. The formula is the same as for Public Service Employment funds, except that it adds "labor force" to the factors.

Section 208. Special conditions (p. 58)

(a) Reasonable conditions of employment;

(b) Health and safety standards established and maintained;

(c) Workman's compensation for all participants;

(d) No discrimination because of race, creed, color, national origin, sex, membership or lack of membership in any organization, political affiliation, beliefs;

(e) Prohibition on political activity and construction, operation or maintenance of sectarian school or place of worship;

(f) Prohibition of displacement of employed workers, or substitution of federal funds;

(g) Funds to be used to supplement, not supplant present non-federal expenditures for planning and administering programs;

(h) Secretary authorized to require record keeping and regular reports.

Section 209. Allowances and compensation (p. 60)

(a) Provisions to assure that trainees would be paid at a rate that would equal the minimum wage, or 80% of prevailing wages for like work, whichever is higher. And sets two year limit on length of training programs.

(b) O'Hara bill language making trainees eligible for death and disabilities benefits as if federal employees.

TITLE III—SPECIAL WORK TRAINING AND CAREER DEVELOPMENT PROGRAMS

Part A—General provisions

Section 301. Equitable Distribution of Assistance (p. 68)

Ratios of population, unemployment, family income to be considered by Secretary in establishing a distribution formula for categorical programs described in this title among the states. No more than 15% to be spent in any one State.

Section 302. Limitations on Federal Assistance (p. 69)

Federal share limited to 90%. Non-federal share can be in cash or in kind. Secretary may waive 10% requirement in special cases. But must establish by regulation objective criteria on which to base such judgments.

Section 303. Administrative Regulations (p. 69)

Secretary shall prescribe regulations for categorical programs regarding internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training and technical assistance programs.

Part B—New careers (p. 69)

Taken from the New Careers language approved by the Congress as part of the Economic Opportunity Amendments in 1969.

Part C—Upgrading programs

Section 321. Program Authorized (p. 73)

Secretary makes contracts with public or private employers under which they would provide education and training to prepare employees for better jobs.

Section 322. Requirement (p. 73)

Funds available only upon application. Application must include assurances that—

(1) Positions to be filled could not be filled by presently unemployed and underemployed;

(2) All employees to be upgraded must have been employed at least 6 months, and

be selected because of merit, ability and length of service;

(3) Adequate training program;

(4) Reasonable training period;

(5) Safe facilities, adequate records provided for;

(6) Successful trainees will be employed by the employer running the program;

(7) Program opens new entry level jobs in number equal to the number of trainees;

(8) Trainees to receive reasonable compensation, in no case less than previous regular wages.

Part D—Opportunities industrialization centers

Section 331. Program authorized (p. 75)

Requires Secretary to make grants to "Opportunities Industrialization Centers"—as developed by the Rev. Leon Sullivan first in Philadelphia and then in other major city poverty areas. Services authorized for support include: recruitment, counseling, remediation, vocational training, job development, job placement. Adequate provision must be made to assure:

(a) Area residents are involved in planning and operating the center;

(b) The business community is consulted in development and operations.

Priority shall be given to centers serving inner-city areas with substantial employment problems.

TITLE IV—SPECIAL YOUTH WORK AND TRAINING PROGRAMS

Part A—Job Corps (p. 76)

Language taken from the Economic Opportunity Act as amended.

Part B—Neighborhood youth programs

Section 451. Programs Authorized (p. 100)

The Secretary shall provide through public and private agencies funds to carry out programs—

(1) (NYC In-school) employing 9th-12th grade age low-income students, either full or part time to enable them to go to school;

(2) (NYC Out-of-school) employing low-income persons in work and training programs to develop maximum potential in regular job market.

(3) (NYC Summer) providing summer job and recreation opportunities.

Section 452. Special Conditions (p. 101)

(a) No funds unless Secretary finds—

(1) No political or sectarian involvement;

(2) No displacement of existing jobs, or substitution of federal funds in work that would ordinarily be contracted and paid for locally;

(3) Reasonable rates of pay;

(4) Program, as much as possible, helps participants get better jobs.

(b) Among programs involving construction, preference will be given to building or improving facilities to be used by the poor.

(c) As much as possible, programs will help eliminate artificial barriers to jobs and advancement (such as civil service or other job requirements) that are not related directly to job performance requirements.

(d) As much as possible, other federal, and private resources shall be used in developing programs.

(e) Prohibits Secretary from limiting in-school program and out-of-school Neighborhood Youth Corps programs on basis of age as has been done by the Administration.

Section 453. Program Participations (p. 103)

Participants must be unemployed or low-income persons. The Secretary, with the Social Security Administrator, shall establish criteria for low income.

Section 454. Administrative Regulations (p. 103)

The Secretary shall prescribe regulations to assure that programs have: adequate internal administrative controls, accounting requirements, personnel standards, evaluation procedures, availability of in-service training, technical assistance programs.

Section 491. Existing Laws (p. 104)

This section repeals the Manpower Development and Training Act of 1962 and all of title I of the Economic Opportunity Act, except title I–D, the Special Impact program. Title I of the Economic Opportunity Act is renamed "Community Economic Development."

TITLE V—ENVIRONMENT IMPROVEMENT PROJECTS

Part A—General provisions

Section 501. Equitable Distribution of Assistance (p. 107)

Same provisions as for title IV categorical programs: that is, not more than 15% to any one State, funds to be distributed on the basis of criteria developed with population, unemployment and family income levels in mind.

Section 502. Limitations on Federal Assistance (p. 108)

(a) No funds unless Secretary finds—

(1) No political or sectarian connections;

(2) No displacement of existing workers, impairment of existing contracts, or substitution of Federal for other funds in work that would otherwise have been performed. A maintenance of effort provision;

(3) Reasonable rates of pay.

(b) Among programs that involve physical improvement priority will be given to facilities substantially for the use of the poor, urban and rural.

(c) Projects shall provide, as much as possible, for use of other federal programs and resources of the private sector.

Part B—Mainstream (p. 110)

Sections 511 and 512 are taken directly from the Economic Opportunity Act as amended.

Part C—Community Environment Service (p. 111)

Section 521. Program Authorized (p. 111)

A Community Environment Service authorized. Funds to public and private nonprofit agencies, especially to State, county and city governments for the establishment of Community Environment Service projects . . . providing full or part-time employment for persons to: restore environment of urban and rural areas, restore neighborhoods, plan, develop and maintain inner city parks and recreation areas and city facilities, work on roadside recreation projects, sanitation and clean-up projects, including solid waste removal. The use of volunteers from the community in planning the action programs shall be encouraged.

TITLE VI—INDIAN MANPOWER SERVICES

Section 601. Statement of Findings and Purpose (p. 112) Congress finds—

(a) Half Indian working age population chronically unemployed;

(b) Indian reservation labor force untrained, and unacclimated and unaccustomed to steady employment;

(c) Compelling need for Indian training and employment program;

(d) Best be administered at the national level.

Section 602. Establishment of Office of Indian Manpower Services (p. 112)

Office set up in Department of Labor.

Section 603. Eligible Activities (p. 113)

All programs under act authorized for reservations.

Section 604. National Indian Manpower Advisory Committee (p. 113)

The Secretary shall appoint such a committee composed of men and women: representing Indian tribes and groups; other persons interested in Indian manpower problems. The committee shall meet at least twice a year and make recommendations to the Secretary.

NATIONAL LEAGUE OF CITIES,
U.S. CONFERENCE OF MAYORS

DEAR CHAIRMAN NELSON: Please accept this statement on behalf of the United States Conference of Mayors and the National League of Cities in regard to proposed manpower legislation pending before your committee.

JOHN J. GUNTHER,
Conference of Mayors.
PATRICK HEALY,
National League of Cities.

JUNE 1, 1970.

STATEMENT

The U.S. Conference of Mayors and the National League of Cities has repeatedly supported manpower development and training programs which enable all our citizens to be trained and placed in meaningful jobs.

In Chicago at the 1968 Annual Conference of the U.S. Conference of Mayors, a resolution was passed which called for Congress (1) to enact a public service employment program to provide at least one million public service jobs for needed social services and (2) to provide funds to implement improved local coordination of all manpower programs.

In Pittsburgh at the 1969 Annual Conference, the U.S. Conference of Mayors again urged Congress to place top priority on the enactment of a substantial public service employment program. Also, at the 1969 Annual Conference the urgent need for the coordination of local manpower programs was stressed. Asserting that the city itself is in the best position to determine its needs, to evaluate its social and economic resources, and to set priorities, plan, and organize manpower programs which can have maximum effectiveness for its unemployed and underemployed, the U.S. Conference of Mayors resolved the following:

(a) The U.S. Department of Labor should make manpower funds available directly to the cities for the planning, evaluation, coordination, and administration of manpower programs;

(b) The mayor should be given authority to coordinate all local manpower programs.

The National Municipal Policy of 1970 of the National League of Cities as adopted by the 46th Annual Congress of Cities in San Diego in December of 1969 states:

"The Federal Government should . . . utilize direct federal-local relationships, in the administration of all grants-in-aid. Federal financing should be available directly to the general units of local government and not channeled exclusively through the states." It goes on to say: "We oppose outright 'programmatic block grants' to the states which turn city program discretion over to uncertain state response. We equally oppose Congressional or executive agency actions which attempt to use the grant-in-aid system to manipulate state and local government relations and internal organizations."

As to public service employment, the NLC 1970 National Municipal Policy states: "In most central cities, the unmet need of local government to provide greatly increased services and the continuing dangerously high level of unemployment (even during prolonged periods of prosperity) constitutes persuasive evidence for federal support of a public service employment program."

Since the June 1969 Annual Conference of the U.S. Conference of Mayors and the December 1969 Annual Conference of the National League of Cities, both the U.S. Conference of Mayors and the National League of Cities are encouraged by the current trend in recent proposals that emphasize the urgent need for mayors to assume a leading role in coordinating manpower programs at the local level. USCM and NLC are equally encouraged that public service employment is included in pending proposals.

However, if we are to have legislation which will successfully meet the unemployment needs and provide the needed services to our citizens, the U.S. Conference of Mayors and the National League of Cities urges the Senate to provide language which clearly assures the following:

The Mayor of the city carrying the major manpower burden will be the prime sponsor of local manpower programs or have the authority to designate such a local sponsor;

The prime sponsor must be the direct recipient of federal manpower funds and have the authority to plan and coordinate all local manpower programs;

Designed to reach high densities of unemployment in localities, a clear and guaranteed formula for allocation of funds to local units of government based on local needs must be developed;

A national long range program of federally funded local public service employment consisting of one million permanent jobs must be developed which allows jobs to be created and upgraded on the basis of locally determined priorities. This program is essential in enabling local government to meets its responsibility of providing adequate services to people and offer meaningful jobs to its underemployed and unemployed citizens.

As to the President's Manpower Training Act there are several features in the bill which do not coincide with the manpower policy of the U.S. Conference of Mayors and the National League of Cities. The absence of *direct funding* to the cities is one. The absence of *public service employment* language is a serious deficiency—especially at this time when the general unemployment rate for the entire country is rising.

Other issues raised by the language of the Manpower Training Act fall into five (5) categories: (1) Designation of the program area, (2) Designation of the prime sponsor, (3) Formula for allocation of funds and (4) Planning monies and advisory bodies, (5) Presumptive deliveries of service.

I. *Designation of the program area—*

A. Sec. 102(a)(2) contains the language ". . . in any standard Metropolitan Statistical Area or other area or areas which the Secretary deems appropriate." In effect, this language gives the Secretary of Labor absolute discretion in the designation of program areas. Mayors must have input or must be given consideration in determining the local program area if the manpower programs are to be successfully implemented to meet the local unemployment needs and if the services are to be provided to our citizens in an efficient manner. In addition, Sec. 102(a) where it reads ". . . in accordance with such regulations as he (Sec.) may prescribe . . ." makes it possible that the allowable negotiations to the SMSA as the presumptive program area would be basically defined through these regulations and that the right to appeal of the major would therefore be circumscribed because the governor had in fact acted in accordance with the regulations prescribed by the Secretary. It is apparent that the language of this section is extremely broad and subject to multiple interpretations. There is a danger that without greater clarity of legislative intent there will be gerrymandering of the program area.

B. The presumptive program area is the SMSA. However, the SMSA presents many problems, particularly for central city mayors. As Stanley Ruttenberg pointed out in his testimony before the House Select Subcommittee on Labor, it is not practical to base manpower planning and administration on a metropolitan framework that does not exist. In addition, the SMSA brings into play all the social, political, and economic tensions and disparities that exist between the central city and the suburbs. Furthermore, the SMSA as the program area may result in a dilution of the funds available to support the intensity of needs within the central city.

II. *Designation of the local prime sponsor—*

A. Sec. 102(a)(2) sets forth language providing for the designation *by the Governor* of local prime sponsors in designated program areas. The Governor may make his selection from among the units of local general government within the area. There is no language anywhere that specifies that the Mayor is to be the prime sponsor. Furthermore, it reads, "In designating a prime sponsor for an area, the Governor shall consider the distribution of population, work force, and disadvantaged persons within the area." It should be noted that the criteria of *unemployment* is omitted. By using population and work force as criteria, added weight is given the Governor's selection of a unit of government other than the central city.

B. Sec. 102(a)(2) also provides for an alternative method of selecting local prime sponsors: "that if a unit or units of local general government representing 75 per centum of the population of an area, determined in accordance with regulations which the Secretary shall prescribe, concur as to the nomination of any other public body or private agency or organization as a prime sponsor, the prime sponsor so nominated shall be designated by the Governor." In only 2 of the 50 largest SMSA's does the central city have 75% or more of the population. Thus, assuming that the SMSA is the designated program area, in only a few instances could the central city mayor be assured of being designated the local prime sponsor. Here again, the importance of the regulations to be prescribed by the Secretary would be of paramount importance in determining the proportion of the local population represented by different heads of local government.

Obviously, the issues or designation of local program areas and local prime sponsors overlap greatly. In both, primary authority exists with the Secretary of Labor and the Governor. Mayors do not really come into the act until they may appeal directly to the Secretary decisions that have been made and incorporated in the State plan. Even though, in approving the State plan, Sec. 102(a)(2) reads that the Secretary shall consult "with the Governor." The Mayor, as you can see, comes into the act only at the last and even at this his bargaining position is likely to be weak.

III. *Formula for the allocation of funds—*

A. Sec. 601(a) provides that funds will be apportioned to the states on the basis of ". . . the number of individuals in the labor force, the number of unemployed and the estimated number of disadvantaged individuals. . . ." A passthrough of funds to designated program areas ". . . shall be determined by the Secretary in accordance with the proportion which (1) the number of persons within the labor force and (2) the estimated number of disadvantaged individuals within such area bears respectively to the number of all persons within the labor force and all disadvantaged individuals within the State." The discrepancy between the apportionment criteria for the states and for the local program areas should be emphasized: the criteria for the local area once again omits the number of unemployed individuals.

Another key issue in the allocation of funds is what formula will the Department of Labor use to arrive at the "estimated number of disadvantaged individuals. . . ." In addition, there is again the possibility that funds allocated to the program area (SMSA) might be required, through regulations issued by the Secretary, to be expanded equally throughout the SMSA, thereby ignoring the intensity and urgency of central city needs.

IV. *Planning monies and advisory bodies—*

A. Sec. 105 authorizes the Secretary to make planning grants available to the States. There are no guarantees that Mayors will receive a portion of these planning monies.

B. Sec. 104(a)(3) provides for the establishment of a State manpower planning council which shall be responsible for developing the State plan. Membership shall include persons representative of state manpower agencies, typical client groups, the general public, and "*local* public and private nonprofit manpower, training, and employment programs including prime sponsors and *local* comprehensive area manpower planning agencies." Membership is not mandated to central city mayors. The "*local*" representatives should be appointed by the mayor, not the governor.

C. Sec. 104(a)(3) also gives the governor the veto power over area plans prepared by prime sponsors: "The Governor shall be responsible for revising such plans and plans of service or portions thereof, to assure that they are complementary and that the allocation of resources provided within the manpower programs and program components of the plan or plans of service best meet the state and area needs." Once again, the only safeguards for the local prime sponsor (mayor) is the right to appeal decisions of the governor directly to the Secretary of Labor. However, this right to appeal does not come into effect until the governor has already exercised his veto power. The issue is, then, to what degree is there political visibility in a safeguard system dependent upon the relationship of the governor and the Secretary of Labor. Should the governor be able to veto, amend, or revise local plans? We think a comment by the governor on the local plan is appropriate but we cannot support the governors amending, revising, or vetoing the mayors' local plans.

V. *Presumptive deliveries of service—*

Sec. 102(a)(1) also provides that, "In carrying out programs assisted under this Act, the agency shall be required to the fullest extent possible to utilize those services and facilities not financed under this Act, which are available from Federal, state and local agencies. Where services and facilities financed under other authority are not available without reimbursement, the comprehensive manpower agency shall be required to the fullest extent possible to purchase the use of facilities and services from Federal, state and local agencies where available at reasonable costs."

This "purchase of service" language is one of the controversial issues in the bill, as it has been interpreted to mean that the State Employment Service is to be the presumptive supplier of manpower services. Community Action Agencies have vigorously challenged this feature of the bill and point to the traditional insensitivity of the ES to minority group needs. Many mayors have also expressed their doubts about the capacity of the Employment Service. The Mayors should have the option to decide on who should be the suppliers of service.

As to S. 3867, the Employment and Training Opportunities Act of 1970, the U.S. Conference of Mayors and the National League of Cities are both very encouraged over the language which would authorize appropriations of $1 billion annually for a public service employment program and which would require in any event at least ⅓ of the total manpower appropriations for a public service employment program. We, as pointed out in the history of our policy above, have long supported the public service employment concept and the mayors throughout the country will support it.

As to direct funding and the mayors being designated as prime sponsors for manpower

programs within the cities, S. 3867, Sec. 103, states that eligible applicants can be cities but other units of government and other public and private nonprofit agencies are also eligible applicants. We were encouraged by the introductory remarks of the author of the bill, Senator Gaylord Nelson, in which he said: ". . . It is the intent of the legislation that the Secretary not designate the State government as prime sponsor for all manpower operations in a State. . . . It is our expectation that in large cities local governments will become manpower prime sponsors. The States would then assume the role of prime sponsors for smaller towns and rural areas."

We urge the Committee to strengthen S. 3867 so that local governments would be prime sponsors of the manpower programs as Senator Nelson mentioned in introducing the bill.

In referring to the Manpower Training Act of 1969, the Administration bill, Senator Nelson pointed out that the bill proposes that each state set up manpower agencies built around the employment service. Senator Nelson went on to say that he and the co-sponsors of S. 3867 feel that this approach is too rigid and that they believe that "local prime sponsors must be free to choose what subcontractors seem most able to carry out the program in their specific locality." We concur in this view and would hope that the members of the Committee work toward including language which would give the local prime sponsors the freedom to choose those subcontractors that have proven most effective.

While we note that S. 3867 does require the Secretary to carry out several special emphasis programs that have existed in the past, the bill does not earmark funds for those programs. The only earmarking is for the public service employment title. We strongly feel that the final manpower bill should not be so earmarked as to deprive the mayors of the country the flexibility they need in designing and coordinating the manpower programs within their areas.

Again, the United States Conference of Mayors and the National League of Cities support your efforts in the passage of legislation which will give the mayors a leading role in coordinating manpower programs at the local level and will provide public service employment for our citizens. On behalf of the mayors throughout our country, we appreciate the opportunity to state their views on such an important area of concern before your Committee.

Mr. NELSON. Mr. President, this bill is currently being marked up in an executive session of the Employment and Manpower Subcommittee. The bill in the form that it is going into the RECORD obviously will be modified and changed during the deliberations of the subcommittee and the full committee, but there have been many requests for information about what the pending proposal contains, and that is the reason for submitting it for the RECORD.

WASTE NOT, WANT NOT

Mr. HANSEN. Mr. President, of increasing concern to every citizen are the hundreds of thousands of abandoned cars, buses, and trucks that clutter and tarnish our landscape.

With the advent of important changes in the making of steel, scrap has lost its value in the form of old cars.

Hollis M. Dole, Assistant Secretary of the Interior, recently disclosed some new techniques which hold great promise for converting these unsightly worn out autos into useful products by salvaging the metal.

I ask unanimous consent that his statement, published in the Phoenix Quarterly, Institute of Scrap Iron and Steel, Inc., volume 27, No. 1, 1970, be printed in the RECORD.

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

ABANDONED AUTOS: RESOURCE OUT OF PLACE

(By Hollis H. Dole)

The automobile is the basis for over 800,000 businesses—one out of every six in the United States. These businesses employ nearly 14 million of our people.

In 1968 there were more than 100 million registered vehicles in the country. They traveled over one trillion miles and consumed 90 billion gallons of gasoline.

The Federal excise tax paid by owners and operators of motor vehicles in 1968 amounted to $6 billion.

Sixty per cent of all rubber, 20 per cent of all steel, 10 per cent of all aluminum, over 7 per cent of the copper, 13 per cent of the nickel, 35 per cent of the zinc, and over 50 per cent of the lead consumed in the United States is for automotive use. And every one of these materials is one for which our national need is growing.

At the same time, the rate of which cars are scrapped—about seven million passenger cars last year and over one million trucks and buses—has reached a point that the esthetic problem of unsightly graveyards and abandoned, rusty hulks is increasingly a matter of public concern.

Although discarded auto hulks constitute only a small fraction of the waste disposal problem in terms of tonnage, they are higher in metal values than most waste materials. They offer a tremendous incentive for the 33,000 auto wrecking yards and 1,800 scrap processors currently operating across the country. With the aid of these excellent facilities, the problem can and must be solved.

CURRENT RESEARCH

The Bureau of Mines currently is actively engaged in research on converting old automobiles to metals suitable for recycling to industry.

Just recently the Bureau published a report which describes the results of research on the dismantling of junked automobiles to produce high-quality scrap. All components of 15 scrap automobiles procured from wrecking yards, scrap processors and insurance salvage firms—these were cars that were manufactured between the period of 1945 and 1965—were dismantled, separated into various components, and analyzed. From the information obtained it was determined that a representative junked automobile weighing 3,600 pounds could be expected to yield approximately 2,500 pounds of steel, 500 pounds of cast iron, 32 pounds of copper, 54 pounds of zinc, 51 pounds of aluminum, and 20 pounds of lead. The remaining 400 pounds consisted of nonmetallics.

These are all valuable materials, and our requirements for them are constantly growing.

The Bureau had time and motion studies made, and it was found that a typical vehicle could be economically burned in a smokeless incinerator and handled, dismantled, and the shell could be baled into a high-quality bundle containing less than 0.1 per cent copper. A cost evaluation study showed that such an operation could provide an annual rate of return on investment of about 20 per cent.

SMOKELESS INCINERATOR

The smokeless incinerator is also a Bureau of Mines development, and it makes available to the scrap processing industry a low-cost way to avoid air pollution caused by open air burning of scrapped cars.

Developed by Bureau engineers in a cooperative effort with the Wasatch Metal and Salvage Company of Salt Lake City, Utah, it is a relatively inexpensive item, and it can efficiently process all of the junked cars from a metropolitan area with a population of around 300,000 people.

Preliminary testing has been successfully completed, and further testing already is under way to obtain precise information on optimum operating costs.

The principal attraction of the new incinerator is its construction cost of only $22,000. This is roughly one-tenth the cost of smokeless models now commercially available.

We are confident that it will stimulate interest among scrap processors whose open-air burning practices are being increasingly restricted.

Capable of processing 50 cars every eight hours, the new incinerator can burn two cars at a time, utilizing an after-burner to eliminate smoke and fumes. Combustion gases are then vented to the atmosphere through a 54-foot stack. The effluents meet or exceed most clean air standards.

Once burned, the junked automobile can be processed in the usual manner for its metal values and the scrap sorted, baled or bundled.

OTHER PROJECTS

Bureau laboratories also are working on the problem of grading the nonmetallic, nonferrous rejects from shredding operations which are being generated currently at the rate of about one million tons annually. Aluminum, copper, zinc and lead constitute about 60 per cent of this reject.

For the most part, these valuable nonferrous metals are being wasted because no practical method has been devised to separate and recover them.

Recently the Bureau developed an air separation method which will yield a rich concentrate of metallic constituents from this residue. The concentrate, which is 84 per cent metal, contains 97 per cent of the nonferrous content of the residue.

The process is not perfected yet, but there is every indication that its efficiency can be improved through additional research.

Meanwhile, our researchers have developed a method that can be used to recover copper from starters, generators, armatures, and similar high-copper automotive components. This process looks very much like the solution to a troublesome and time-consuming problem for scrap processors.

In it, scrap material to be stripped of copper is dipped in a molten salt—calcium chloride—and agitated briefly. The bath does not affect the iron and steel scrap but quickly melts the copper even in small holes and crevices. The copper collects in the bottom of the vessel and can be easily drained off. About 99 percent of the copper can be reclaimed in this manner.

The process is economical since the salt is cheap and can be re-used.

DISPOSING OF OLD TIRES

Another research project project is the Bureau's recently developed process for disposing of old tires. Some 100 million of them are now being discarded every year. Strung out tread to tread, they would circle the earth twice at the Equator.

But the problem is they aren't strung out. They are piled in heaps of trash and junkyards across the country, or worse, they are burned in the open, adding their volatile contents to an already polluted atmosphere.

In cooperative work on an idea originally conceived by the Firestone Tire & Rubber Co., bureau researchers have been obtaining surprisingly large quantities of valuable chemicals, oils, gas, and tar from old tires by de-

structive distillation techniques or, if you wish, carbonization in a heated reactor.

As much as 140 gallons of oil and 1,500 cubic feet of gas comparable in heating value to natural gas have been recovered from one ton of tires.

These are only a few of the examples of the ways in which technology can be applied to solve our solid waste problem and convert these so-called wastes into worthwhile resources.

Where technology has polluted, technology can purify. Our national eyesores can indeed become national interests.

Junked cars must never be looked upon merely as eyesores to be concealed or burned. From the national viewpoint, these vehicles are a major source of raw material, a resource out of place.

Automotive scrap is now generated at a rate that if totally utilized can provide industry with over ten million tons of ferrous and and one-half million tons of nonferrous metals annually, with every indication that this rate will increase.

This is a growing resource for a country and a people that will need it more and more.

FULL EMPLOYMENT—FACT OR FABLE?

Mr. GORE. Mr. President, the Employment Act of 1946 made explicit policy for the Government of the United States a commitment that every man and woman able and willing to work should have a job at a decent wage. According to the 1946 law, the Government would promote and provide the conditions conducive to economic growth and health.

But saying is not doing. We have never really fully implemented our commitment to the principles embodied in the 1946 act, and the Nixon administration, I am sorry to say, has specifically and pointedly turned its back on full employment. Administration spokesmen have been quite frank in discussing trade-off of jobs in a play for price stability, for inflation control. It has not worked, except in the wrong way—increasing joblessness but with rising prices.

Just a few days ago, Mr. Herbert Stein, a member of the Council of Economic Advisers, told the Joint Economic Committee that the jobless rate would stay near its present level of 5 percent—that is something over 4 million people who want to work and cannot. Mr. Stein went on to say that now is not the time for a full employment effort. I gather that he follows the Nixon line of bleeding the economy white in order to restore its health. Well, Mr. President, a 5-percent jobless rate is too high. But, given the Nixonomic formula and attitude, I doubt that unemployment can be held down even to its present 5-percent level which is, of course, much too high. In fact, others have estimated that unemployment may reach 6 percent before the snow flies.

We can hardly take comfort from projections of the Nixon administration, since many such around-the-corner predictions have thus far been shown to be completely lacking in validity. Just a few months ago, for instance, administration spokesmen were advancing 4.3 percent as the average rate of unemployment for the current calendar year.

Mr. Andrew F. Brimmer, a member of the Federal Reserve Board, made headlines on the weekend of June 21 when he predicted a possible unemployment rate of 5.5 percent for the last half of this year. And he expressed doubts that even this high rate of unemployment would restore price stability by the end of the year.

Promoting loss of jobs is surely the poorest way to control inflation, but, thus far, this appears to be the pattern of 1970. Unemployment has steadily risen and, as I have said, will likely go higher. Meanwhile, inflation continues to mount. Should unemployment at current and higher levels continue for an extended period of time, real stagnation will occur—a depression will be upon us. Inflation will be slowed, maybe even halted, but at what a price. This price is unacceptable.

Some speak glibly and sometimes carelessly of unemployment. Many seem engrossed in aggregates, utterly neglecting the human side of the problem. The Wall Street Journal last week ran an article on unemployment and purchasing power. This article emphasized that the "public may be holding back on spending" but it "has the money." The main point to the writer of this article seemed to be that—

> This year's unemployment thus far has made no appreciable dent, nationwide, in the American public's buying power. In the aggregate there is potential purchasing power.

But what about that wage earner and his family with no job and no money coming in for groceries and house rent? The human, individual aspects of unemployment concern me deeply.

I can think of a few more helpless and hopeless predicaments to be in than to be without a job, and with a family to support. Since December, 600,000 men, not to mention women and younger people, have been added to the already sizable number of jobless, many of them with families. And the hardest hit recently have been the highly skilled.

Today our unemployment is at a level last approached in February 1965. When President Kennedy took office in 1961, the unemployment rate was 6.6 percent, but it was brought down to 3.3 percent by the time President Nixon assumed office last year. At present rates and with present trends, we may again hit the Republican 6.6-percent mark by 1972, or even sooner. I surely hope not.

Under Presidents Kennedy and Johnson, various initiatives were undertaken to put people to work and to train those not able to perform useful work. Such programs as Accelerated Public Works, for example, were implemented in such a way as not only to provide jobs directly, but to create conditions conducive to further job formation, particularly in areas of high unemployment and sparse economic activity. Of course, the war in Vietnam played a part in reducing unemployment below 4 percent. But surely we can mobilize our resources and manpower for creative as well as for destructive ends. I refuse to accept as fact the idea that prosperity can occur only under war's stress.

But today, even with a sizable, albeit unwanted, war on our hands, we see unemployment climbing to a most unacceptable level.

What does 5-percent unemployment mean to our Nation, to our society?

To begin with, it represents a loss of $45 billion each year in goods and services—production which we could surely use to advantage. This volume of production could provide 2½ million badly needed housing units. It represents 30 times what the Federal Government spends on higher education, and 20 times the Federal expenditure in elementary and secondary education. This is much, much more than is required to wipe out poverty by direct means—by paying over to the poor enough cash to bring them up to, or above, the poverty line.

And what does large-scale unemployment mean to the national psychology? Although our present situation is in no way comparable to the ghastly days of the 1930's before Roosevelt, I hope the time will never come when we will completely forget the scars left on the national psyche by that dreadful depression. I know what widespread unemployment can do to the national will, to the country's character. I was commissioner of labor for the State of Tennessee during a part of that sad time.

And what of the individuals most directly affected—the worker and his family? In our industrial society, to what agency can one turn when there is no work, no paycheck? As an unmarried youngster, I could return to my father's farm where there were chores to do, food to eat and a feather bed for sleeping. But this kind of haven is available to fewer and fewer.

We have long since moved beyond the point where the family could act as a bulwark against hard times. A short generation or two ago, many still had access to the family farm. And if the job in Detroit, Chicago, or Akron played out, we could always drift back to the family farm, whether it was rich bottom land or poor hillside, whether it was operated by a parent or some other relative, and at least find bed and board.

The family today is too fragmented for this. We have, for the most part, lost those close ties to our native villages and homesteads.

True, this rural mentality still shapes some of our political thinking. Some tend to cling nostalgically to the illusion that the family can protect us against unemployment, against old age's slowdown, against crippling disease's incapacitating blow. But, whether we like it or not, we have as a nation irreversibly moved into the era of a highly industrialized society where there is no traditional haven for the aged or infirm, or for the unemployed. Moreover, the high cost of living makes it difficult to "lay up for the rainy day." And unemployment is surely a "rainy day" for most people.

For this reason, we have revolutionized our concept of charity and security. We hear talk now of a guaranteed annual income. We already have, although imperfectly, a social security program and medicare. And we have unemployment compensation to provide a very thin and most temporary cushion against

job loss. This is all to the good so far as it goes.

But do any of these things, or all of them together, really take the place of that independence which comes with a steady job? Can these programs replace that sense of accomplishment associated with the performance of useful work? What can replace meaningful and satisfying job performance?

Mr. President, the Federal Government must set the stage and provide the conditions for full employment. No mature individual should be denied the right to contribute to his society in the form of useful work.

Recently I addressed the Senate on the inflation which is now plaguing us, and the absence of appropriate action by the Nixon administration to combat it. I have advanced positive proposals to deal with inflation without the stultifying tactics now being followed, which can only result in stagnation and further loss of production and employment. I have spoken about fiscal and monetary policy, and tax policy. I have questioned the policies and the inaction of President Nixon.

On June 17, the President addressed the Nation on the state of the economy. He sought to reassure the jittery, particularly those who have money in the stock market. I am sorry to say the President did not really come to grips with our economic problems. He has attempted only to soothe, placate, and propagandize.

What we need to do now, insofar as unemployment is concerned, is to move toward job creation. And, under today's circumstances, this should be relatively easy. We need but satisfy the demand already evident in housing, public facilities construction, and environmental control. Current stagnation comes from Government action, which can be reversed. The Government, itself, is applying the economic brakes. These should be relaxed.

Incidentally, there is another facet of this current unemployment which differs from past patterns. Most of those currently becoming unemployed are already highly skilled and easily transferable to other jobs. They do not need extensive retraining to become able to contribute to society and to their families. The problem, then, so far as these newly unemployed are concerned, is much more readily solved than would be the case had these people no marketable skills. Of course, the longer these slack times continue, the worse will this problem become, as the more highly skilled push the less skilled out of jobs. The ripple effect becomes more noticeable with the passage of time.

There is, however, Mr. President, one area where high unemployment among the relatively unskilled is showing up. There is now a rather severe job loss showing up in textile and shoe manufacturing plants. This is a subject much on my mind, my constituents and my colleagues. And some of this unemployment can be directly attributed to excessive imports. I mentioned this subject last week in connection with tax policy. I wish now to approach this from a slightly different angle.

Following the end of World War II, we set about building up our friends, and some we hoped would become our friends, abroad. Generously, we poured billions of dollars overseas—some $130 billion, in fact. We built up Japanese and European industrial capacity and capability.

As I am glad we did. By and large, this has been to our advantage. But what do we face today—right now? We find our former, and still ostensible, friends busily taking over our own markets in textiles and shoes. And, at the same time, our own producers are denied access to foreign markets, by a rash of barriers, generally of the nontariff, hidden, sometimes subtle but more often blatant, types.

Now, what are we supposed to do? With rising unemployment and economic dislocations here at home, we will no longer "grin and bear it." I have supported reciprocal trade, fathered by a great Tennessean, Cordell Hull. I still support it. Even so, like our Constitution, it must be changed now and then to meet changed conditions. It has almost ceased to be reciprocal in some respects because of actions which other nations have taken and other actions which we have not taken. We must demand return to reciprocity. The new wine of cut-throat nationalism abroad, unless checked, will break the old bottles reciprocal trade built on trust and mutual interest.

Mr. President, I hope we will not be forced to impose a unilateral and rigid quota system on imports. I hope our trading partners will be sensible enough to help us avoid this, for in this way all would lose. Nevertheless the United States alone cannot remain open at all her economic pores.

But short of rigid and wholesale quotas, there is much we can do to correct our imbalances. Last week, I referred to faulty tax laws—our own tax laws—which lend encouragement to the movement of factories and jobs overseas. I want now to refer to an action taken, I am sorry to say during a Democratic administration, which must be undone. I refer specifically to the Canadian automotive agreement. Perhaps this is illustrative of other laws and agreements we should reexamine.

Senators may recall the fight which I, and a very few others, put up in a vain effort to defeat the Automotive Trade Act of 1965. Under the fantastic agreement implemented by that act, we have allowed the importation of automotive products into this country from Canada under terms which have spelled disaster for a segment of our U.S. parts manufacturers and for many workers in our automobile plants. Thousands of our people have been thrown out of work as a result.

When this legislation was debated in the Senate, I pointed out the probable consequences. But the big automobile companies wanted it, and although, as I have said, this rape was accomplished under President Johnson, I think the fault was bipartisan. The Senate vote found 95 percent of Republicans supporting the improvident agreement entered into by President Johnson—only one Republican Senator actually voted against, and one was paired against.

At the time, it was pointed out that not only were we opening the floodgates to Canadian production of American-type automobiles, but we were also encouraging Japanese and European producers to set up assembly plants in Canada for non-American-type cars. These non-American-type automobiles may flood the U.S. market through Canada.

An article in the Wall Street Journal for June 15, 1970, makes interesting reading in this regard, and I ask unanimous consent that this article be printed at this point in my remarks.

As I understand this article, the Canadian Renault company now plans to assemble some cars in Canada, and ship others directly from factories in France, all of which will come into the United States under the stupidly generous terms of the Canadian agreement.

Mr. President, I have already introduced a bill, S. 2527, to repeal the Automotive Trade Act of 1965. I shall insist with all the vigor at my command that the terms of this bill be added to any legislation imposing import quotas on any commodities. It is time we recognized and defined the national interest in this area.

Mr. President, I want to see jobs provided for our people. I want to see a healthy, expanding economy. I call on President Nixon to begin to busy himself to accomplish this.

Last week I introduced some bills which I felt would be helpful in bringing about a better balance to our economy. I want now to bring up one more.

As I said in the beginning, it is a duty of a modern government to see to it that all citizens are given an opportunity to perform useful work. There will be times when the private sector, even with Government encouragement and help, may not be able to supply the jobs required. At such times, it seems to me incumbent on government to step in and become the employer. And it is not at all necessary to resort to WPA-type leaf raking.

The 1946 Employment Act sometimes called the Full Employment Act, ought to provide exactly for that—full employment. To that end, I now send to the desk and introduce a bill to amend that act which will clarify the Government's role. This bill I shall now introduce simply provides that the Government shall become the employer of last resort, should efforts in the private sector falter. I think a modern government owes this to its citizens. A job is better, in so many ways, than a hand-out.

I hope we may all continue to work on this problem of achieving balance between full employment and inflation control, We can work this out if we really have the will to do so.

I ask unanimous consent that two articles from the Wall Street Journal be printed at this point in the RECORD.

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

[From the Wall Street Journal, June 29, 1970]

JOBLESS RATE COULD HIT 5.6 PERCENT, NIXON AIDE SAYS; SOME DOUBTFUL ON SECOND HALF UPTURN

WASHINGTON.—Further doubts have been raised about halting the recent rapid rise in unemployment anytime soon and also for

the prospects of a second half economic upturn.

Labor Secretary-designate Hodgson said that unemployment may rise from 5% last month to as high as 5.6% before it starts declining, and Milton Friedman, a noted University of Chicago economist, suggested the rate could even reach 6% this year.

Separately, the Commerce Department's index of "leading" economic indicators dropped 0.8% last month to 147.3% of the 1963 average from an upward-revised 148.5% a month earlier. The leading indicators, which often foreshadow broad economic movements, rose a slim 0.1% in April (see chart on page one).

In an interview with United Press International, Mr. Hodgson declined to predict when the rise in unemployment might terminate, but his estimate that the rate could reach 5.6% marked the first public admission by a member of the Nixon Administration that the jobless rate could climb that high.

Asked on the National Broadcasting Co. "Meet the Press" TV interview program, how high unemployment might go, Mr. Friedman said, "My guess is 6% is about the maximum rate you'd likely see in this episode," adding he hoped "it won't go as high as that."

Some Administration economists, who are becoming increasingly skeptical of any second half upturn, point to the "leading" indicators as further evidence of the unlikelihood of any strong surge this year.

FOUR INDICATORS FELL

Four of the eight indicators fell last month, while the other four rose. Declines were registered by the average work week of manufacturing workers, plant contracts and orders, industrial-materials prices and the average price of 500 common stocks. Increases were reported for new durable goods orders, new building permits, the price to unit labor cost ratio among manufacturers and the average weekly initial claims for state unemployment insurance. These jobless claims actually fell, but are treated inversely in the index.

Analysts further note that President Nixon made no mention of any upturn in his economic address on June 17; previously, this had been an almost standard line in most Administration talks on the economy. But Mr. Friedman said he still believes there will be an upturn "sometime in the second half."

The University of Chicago economist also said the U.S. has experienced "a relatively mild recession," but that a "really severe" downturn has been avoided.

Separately, Paul W. McCracken, chairman of the Council of Economic Advisers, told a group of insurance officials that the current period "in terms of severity is between the 1966–67 adjustment and the 1960–61 recession, but closer to the former than the latter."

RATE OF INCREASES STOP CLIMBING

Mr. McCracken and Mr. Friedman also claimed that the pace of inflation is subsiding and will continue to do so. Both said that the rate of price increases has stopped climbing recently.

Separately, high Administration officials disclosed that Hendrik S. Houthakker, a member of the Council of Economic Advisers, will direct the "inflation alert" to spotlight particular wage and price increases. Plans for this after-the-fact alert were announced by President Nixon in his economic address.

On the Columbia Broadcasting System Inc.'s "Face the Nation," Sen. Proxmire (D., Wis.) of the Congressional Joint Economic Committee criticized the "inflation alert" as a "quarter-way" step that is "not nearly enough." He reiterated a frequent Democratic call for President Nixon to impose wage and price guidelines.

On another front, the recently appointed Presidential Commission on Financial Structure and Regulation held its first meeting in Washington on Saturday. The commission decided to establish an office in Seattle, Wash., the home of its chairman, Reed C. Hunt, and an administrative office in Washington.

Also, Allen R. Rule, a New York attorney, was appointed special assistant to the chairman and will function much as a staff director in the next few months. Mr. Rule is a member of the New York law firm of Mudge, Rose, Guthrie and Alexander, which is President Nixon's former firm.

FORM STUDY GROUPS

At a press briefing, Mr. Hunt said the commission organized four study groups "to formulate recommendations for long-range improvements." The groups will study the "functional specialization" of financial institutions; the regulation of interest rates on deposits; deposit insurance, and the "problems" of the mortgage market and residential construction.

Initially, at least, Mr. Hunt said the commission will rely almost entirely on reports and studies from the Federal regulatory agencies, inlcuding the Federal Reserve Board, Federal Home Loan Bank Board and Federal Deposit Insurance Corp.

Five additional members named to the commission were Atherton Bean, chairman of the executive committee of International Multifoods Corp., Minneapolis; Morgan G. Earnest, of Earnest Homes Inc., New Orleans; William D. Grant, president of Businessmen's Assurance Co., Kansas City; Edward H. Malone, vice president of General Electric Co., New York and Ezra Solomon, professor of finance at Stanford University.

Mr. Hunt said 18 of the 20-member commission attended Saturday's meeting with Mr. Bean and Lane Kirkland, secretary-treasurer of the AFL–CIO, the only absentees. The next meeting will be held in New York sometime in August, he said.

RENAULT MULLS EXPORT TO THE UNITED STATES OF CARS ASSEMBLED IN CANADA

(Company first must increase Canadian content of models it produces near Montreal.)

MONTREAL.—Pierre le Godec, vice president and general manager of Renault Canada Ltd., said the company is considering exporting Canadian-assembled cars to the U.S., but first must increase the Canadian content of models it produces at nearby St. Bruno.

"We are looking for Canadian suppliers to help us increase our Canadian content," he said at a reception marking Canadian production of a new Renault model.

"We now have between 30% and 35% Canadian content in our cars, depending on the model. However, in order to qualify for tariff benefits under the Canada-U.S. auto pact, we must bring this level up to 50%," he added.

Mr. le Godec said Renault Canada could export cars to the U.S. under the provisions of the auto agreement by adding about $75 of Canadian parts to each car.

While $75 is about equal to the duty Renault currently pays on cars sold in the U.S., Mr. le Godec said the company would benefit from the increased Canadian content because it could import models not produced here through the U.S. under terms of the auto pact.

Societe de Montage Automobile, which assembles the Renault models in St. Bruno, doesn't produce all the models made by the parent company in France.

Mr. le Godec said it would be cheaper to ship complete cars from Le Harve to Canada by way of New York rather than starting to assemble them here.

He said the company would like to have some engine components made in Canada, but the high cost of tooling makes this difficult at the present time because of short production runs.

"However with the large American market, we could expand production enough to amortize tooling costs," he added.

Mr. le Godec said the Canadian assembly plant currently has a daily production capacity of 42 cars, but "it could turn out 70 cars" with one work turn.

WASHINGTON WORKSHOPS PROGRAM

Mr. RIBICOFF. Mr. President, for the third summer in a row, the Washington workshops program is bringing high school students from around our country to Washington to study the operations of the U.S. Congress. I was pleased to address the first session of this year's program and was pleased to receive a resolution signed by over 100 participants and staff members expressing their enthusiasm for this program and their appreciation of the efforts of Mr. Leo S. Tonkin, seminar director.

I ask unanimous consent that the text of this resolution be printed in the RECORD.

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

RESOLUTION

We, the participants of the first session, third summer of the Washington Workshops ("the Congress of the United States Seminar") would like to take this opportunity to express our appreciation to Mr. Leo S. Tonkin for offering us this unique educational experience.

Mr. Tonkin, as Seminar Director and Chairman of the Washington Workshops Foundation (a private, non-profit educational association) has received the admiration of both students and staff as a result of his commitment, dedication, involvement and unfailing generosity to the Workshops. He has worked not only on an administrative level but has given his time to us in debate and discussion both on campus and on Capitol Hill.

From the first "Congress of the United States Seminar" in 1965 at the Heights Study Center, to the establishment of the Washington Workshops Foundation in 1968, Mr. Tonkin has brought together over 2,000 students from diverse backgrounds and every area of the nation to share their thoughts and hopes with fellow students, instructors, members of Congress, and other concerned Americans.

Due to his immeasurable contribution to the program, Mr. Tonkin has received the lasting admiration of the students, and we feel this should be acknowledged. We would also like to extend our special thanks to the co-administrators, Mr. Paul George and Miss Sharon Selvers.

ALL U.S. TROOPS ARE OUT OF CAMBODIA

Mr. GRIFFIN. Mr. President, a headline in today's Washington Star reads: "U.S. Finishes Cambodia Pullout."

When President Nixon announced the operation against the Communist sanctuaries in Cambodia, he promised that all American combat forces would be withdrawn from that country by July 1.

He repeated that promise several times—and now the promise has been kept 1 day ahead of time, according to an Associated Press dispatch from Saigon.

The dispatch says:

The last American combat troops in Cambodia returned to South Vietnam this afternoon, in effect completing the U.S. withdrawal one day ahead of President Nixon's deadline.

The dispatch added:

Still in Cambodia, but scheduled to leave by midnight tomorrow (and that this midnight tonight, our time) were a small number of advisers to some of the 39,000 South Vietnamese troops remaining there.

If those who have doubted, criticized, and lamented the President's decision continue to question the success of the operation, I have here the latest—and I suppose the last—summary of results of the Cambodian sanctuary operation.

Mr. President, I ask unanimous consent that the summary be printed at this point in my remarks.

Mr. President, this summary and the news dispatch indicating that all American combat forces are out of Cambodia, leave one question:

What is the need for the Cooper-Church amendment?

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

	Number	24-hour change
Individual weapons	22,892	+32
Crew-served weapons	[1] 2,509	[1] —16
Bunkers/structures destroyed	[1] 11,688	[1] +9
Machinegun rounds	4,067,177	(2)
Rifle rounds	10,694,990	+97,420
Total small arms ammunition (machinegun and rifle rounds)	14,762,167	+97,420
Grenades	62,022	+984
Mines	5,482	+1
Miscellaneous explosives (pounds) (includes satchel charges)	81,000	(2)
Antiaircraft rounds	199,552	(2)
Mortar rounds	68,539	(2)
Large rocket rounds	[1] 2,123	[1] —3
Smaller rocket rounds	43,160	+574
Recoilless rifle rounds	29,185	(2)
Rice (pounds)	14,046,000	+10,000
Man-months	309,012	+220
Vehicles	435	(2)
Boats	167	(2)
Generators	49	(2)
Radios	248	(2)
Medical supplies (pounds)	67,000	(2)
Enemy KIA	11,349	+17
POW's (includes detainees)	2,328	+1

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

A NEW PROGRAM FOR LATIN AMERICAN AID

Mr. CHURCH. Mr. President, during his many fruitful years in the U.S. Senate, Ernest Gruening's contributions included that of providing us insight into the problems of American aid to countries of Latin America. A report of the Gruening subcommittee on our aid program in Chile provides an extremely useful description of the snares and delusions besetting the administration of our military and economic assistance programs in Latin America.

In a letter published in the June issue of the Atlantic magazine, Senator Gruening discusses not only what has gone wrong but what should be done. At one point in the letter he states:

The solution is *not* to reduce the amount of aid, but to channel it differently, derive it from different authorities, and place the responsibility where it belongs—on the recipient country.

My friend and distinguished former colleague points out quite correctly that the greatest lack in Latin America is technical know-how and this is just the staple that the United States has in ample supply. But the financing, he continues:

Should not come directly from the United States but from international, multilateral agencies, the World Bank, the Inter-American Bank, and so on, and be freed from the current stigma of being designed to promote the sale of U.S. goods. It should also carry the lowest possible interest rates.

Mr. President, there are other good suggestions in the Gruening letter and I ask unanimous consent that it be printed at this point in the RECORD:

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

SIR: In "The Lowering Hemisphere" in the January Atlantic, Arthur Schlesinger, Jr., exposes the relative failure of the United States aid program in Latin America, optimistically launched by President Kennedy under the title of Alliance for Progress. Mr. Schlesinger rightly assigns blame to both Latin and North Americans. His article presents a series of unexceptionable and perspicacious comments with which I feel no knowledgeable student of Latin America and of our performance there can disagree. But he offers no solution other than his generalized concluding hope that the United States will respond to Latin American aspirations with intelligence and generosity. Though Mr. Schlesinger proposes no specific remedy, many of his shrewd observations implicitly furnish the basis for one, viz.,

"Latin America cannot be saved in Washington. It can only be saved in Latin America. . . . Too often the United States becomes the great alibi—the permanent excuse for the failure of the Latin nations to do what they can, should, and must do for themselves."

And he lists, correctly, a great number of vital actions which "only Latin Americans can take."

So let us save Latin America in Latin America and remove the alibi.

The first studies in depth of our aid programs in Latin America made by the Senate Government Operations Committee's Subcommittee on Foreign Aid Expenditures recorded anything but success in relation to the amounts expended. The conclusions of the study of Chile by that subcommittee in 1966 are confirmed by a similar case study of Colombia in 1969 by the Senate Committee on Foreign Relations. Cultural differences between North Americans and Latin Americans, those accenting the stresses of a giver-recipient relationship, were factors in these predominantly unsuccessful bureaucratic undertakings. These two countries' AID programs were meticulously and objectively examined in depth because they presented at the time the most promising of all the Latin American countries. Both were among the largest recipients of U.S. funds. Both had the most favorable political and cultural backgrounds. Both were to be, hopefully, showcases. Yet these two well-documented reports are essentially chronicles of failure. The picture was much darker in other less advantaged beneficiaries of United States aid.

The solution is *not* to reduce the amount of aid, but to channel it differently, derive it from different authorities, and place the responsibility where it belongs—on the recipient country.

What most Latin American countries lack and what the United States can supply is technical know-how. Far more of the funds should be expended for that purpose. Hitherto it has been a relatively small part. Scholarships should send Latin Americans to MIT, to Caltech, to the Harvard or Wharton Schools of Business Administration, to other specialized institutions, or as interns to the industries and activities here that the Latin American countries desire to establish there. In addition, experts in a given field should be sent, if requested, to Latin America to provide the neded expertise on a given project. But the programs should originate in Latin America and be determined by Latin Americans.

The financing should not come directly from the United States but from international, multilateral agencies, the World Bank, the Inter-American Bank, and so on, and be freed from the current stigma of being designed to promote the sale of U.S. goods. It should also carry the lowest possible interest rates.

The policy of joint ownership, with the Latin Americans in each country owning 51 percent of the stock in any corporate enterprise even if predominantly financed by American capital, has worked well in Mexico, to the advantage of both American and Mexican stockholders. It should become accepted practice. Expropriations of United States-owned properties and the resulting tensions would be eliminated.

Such changes in programming and authority would vest the responsibility in the Latin Americans. It does not mean, and should not mean, less participation by the United States, but a participation less conducive to friction and failure.

Two other changes are desirable. We should eliminate our bloated and needless military missions. They are largely paid vacation junkets for those who serve in them. Our military aid, moreover, has been misused repeatedly to overturn democratically elected and public-spirited regimes. The funds thus economized would be used for economic and social programs.

As Schlesinger points out, the Latin American population is multiplying faster than any in the world, and, as that most enlightened of Latin American statesmen, Alberto Lleras Camargo, former President of Colombia, has pointed out, no progress can be made unless it is checked. Indeed there would be regress. The breakthrough in public opinion and official attitudes on the subject of population control is so recent in our own glass house that we can scarcely throw stones southward. But family-planning groups now exist in *every* Latin American country, and they should be aided by U.S. funds.

Let us grant that the record in some Latin American countries for honest, enlightened self-government leaves much to be desired. With few exceptions the history of the Ibero-American nations has been an alternation of chaos, dictatorships, and occasional democratic regimes. The oligarchies stubbornly and effectively resist efforts to diminish ther predatory status quo. But as Schlesinger makes so clear, the change can come only from the Latin Americans. Indeed, United States influence, despite pious pronouncements, has by and large favored the vested interests south of the border. Under the proposed shift of authority and responsibility to the Latin Americans, some funds will be misused and wasted, but so have they been under the present system. Self-government, self-help gain as they are given a fair chance. The change is worth trying.

The Latin Americans, now pretty well disillusioned, and understandably so, with our AID programs, would, I feel, welcome the change if they were convinced of its sincerity and that it implied no diminished interest on the part of the United States. United by a new overall sense of responsibility for their foreign-aided programs, they should be

able to organize and present a solidarized front to secure more favorable treatment in the matter of tariffs and import quotas, especially for the products that are common to more than one country, as many are, and where their grievances have been legitimate. From the standpoint of U.S. interest their improved economies resulting from the success of such efforts would be beneficial to our export trade, although the freedom from American pressures incidental to receiving our aid would promote the importation of products from other countries. We should prepare ourselves, in the interest of improved hemispheric relations, to accept such competition.

I can only conceive of such a program of self-help and of a kind of autonomy and responsibility in decision-making to have valuable spiritual concomitants for Latin America and a renascence of good feeling in which the United States can share. The rebirth of good neighborliness is needed, as Nelson Rockfeller discovered.

(Former) SENATOR ERNEST GRUENING,
Democrat, Alaska,
Washington, D.C.

HIGHER EDUCATION—JOB WELL DONE BY SENATE APPROPRIATIONS COMMITTEE

Mr. EAGLETON. Mr. President, now that the Senate has completed action on H.R. 16916, the education appropriations bill, I would like to commend the members of the Appropriations Committee for their action in increasing the funds for the title II programs of the Higher Education Act which are so valuable to academic libraries. The bill passed by the Senate last week contains $20,750,000 for part A, college library resources; $8,250,000 for part B, library training; and $7,500,000 for part C, the Library of Congress shared cataloging program. These figures represent a more realistic appropriation for academic library support and library science training than the amounts the House approved when that body acted on H.R. 16916 in April.

It is regrettable that the amounts for the three parts of this title were not specified in H.R. 16916. When the fiscal 1970 appropriations were being considered by the Senate, I attempted to have the funds for these and other programs earmarked in order to save them from the sweeping cuts which the Department of Health, Education, and Welfare was authorized to make. Unfortunately, the attempt was only partially successful; consequently, HEA title II funds were cut by far more than the 15-percent limitation placed on reductions in individual program funds specified in the bill. In fact, they suffered a 50-percent cut. I hope that in subsequent education appropriations bills it will be possible to spell out exactly how the title II money is to be apportioned among the three parts. In the meantime, however, I am pleased to see that my colleagues on the Appropriations Committee are so well aware of the importance of these library programs that they have restored the appropriations to a more reasonable level.

With so many issues and problems crying out for attention and solution, it is more crucial than ever that our college students, and those who teach them, have rapid access to the latest discoveries and developments in all fields.

The cost of all aspects of education has increased tremendously in the last few years. The budgets for library support in institutions of higher education are not adequate—not through lack of commitment to the essentiality of the library, but as a result of the difficulty most colleges and universities face in adequately supporting their many and equally pressing activities without outside help.

According to recent statistics, community colleges are being established at the rate of almost one a week. Last fall more students enrolled as freshmen in the community colleges of the Nation than in the 4-year colleges. Each of these students needs access to college library materials—relevant and up to date—if he is to succeed in his studies.

The librarian in one of these new community colleges faces the challenge of creating a library, or learning resource center, within 6 months to a year. This involves determining the goals of the institutional LRC, hiring personnel, training them, and in consort with the faculty and administration, developing the basic collection. It is critical to correlate the goals of the learning center with those of the institution. Hence, any future changes in the curriculum will alter the scope and collection of the library.

Grants under title II–A of the Higher Education Act have helped to provide materials at the proper reading level and in sufficient quantity to support the varied program of the college. Part A of title II of the present Higher Education Act authorizes grants to colleges of both the 2-year and 4-year variety. The statute authorizes basic grants, which must be matched, dollar-for-dollar, by the college, and it also authorizes supplemental and special purpose grants to enable those institutions in greatest need to purchase library materials.

Parts A and C of HEA title II represent an important attempt by the Federal Government to insure that academic libraries in both established institutions and new colleges can maintain, or acquire, a collection which can properly support the educational program.

Part B of this title aids not only our academic libraries, but every other type as well, through its training and research provisions. With new developments almost every day in the field of information science and documentation, it is imperative that extensive training and research be done in order to keep our librarians informed, so that they can provide the most efficient and effective service possible. These Federal programs under the Higher Education Act will help accomplish that end.

As research enables librarians to adopt new technological methods, the role of training additional professional personnel to accept and apply the new technology will become increasingly important. The funds we appropriate to carry on the library training and research programs under title II–B will help to keep us moving toward our goal of educational excellence and library service to meet the needs of the Nation.

I also want to commend the Appropriations Committee for its action in restoring funds for title VI of the Higher Education Act to the 1969 level. This enables colleges to purchase materials for laboratories, for audiovisual equipment, films, and records. It makes the difference between effective teaching or merely simulating. While this title was eliminated entirely in the House bill, I should like to point out that this program has been extremely effective over the years in enabling universities and colleges to modernize their laboratories and teaching equipment.

It is a matching program, and the modest amounts available in previous years have been well administered at both the local and Federal levels. While many of our larger universities may not feel the loss of these funds to any great extent, the amounts allotted for purchases under this program have been of great importance to the Nation's small colleges, which are hard pressed to provide the quality type of instruction today's students demand.

I should further like to say that this is a program which does not appear divisible. The $14.5 million when spread over several hundred schools does not leave a large amount for any single institution. If the total were further reduced, it might make it impossible for some small schools to apply for grants. The costs of the administrative and paper work involved would outweigh the money received.

I want to commend all of the members of the Appropriations Subcommittee that dealt with this bill and especially the chairman, Senator MAGNUSON, and Senator COTTON, the ranking minority member. There are education programs that I believe are deserving of increased funding and I am particularly disappointed that the Appropriations Committee and the full Senate decided against an appropriation for the payment of entitlements for public housing children under the impact aid program. Nevertheless, I believe that, in general, the subcommittee did an outstanding job in difficult circumstances. They worked diligently so that this bill could proceed as rapidly as possible and had the bill ready for floor action more than a month before the time it finally came up on the Senate floor. While I fully understand the circumstances that prevented earlier consideration of the bill, I believe it should be recognized that the Appropriations Committee was in no way responsible for the delay.

DISTRICT OF COLUMBIA APPROPRIATIONS

Mr. MATHIAS. Mr. President, on Friday, when the Senate considered H.R. 17868, the District of Columbia appropriations bill for fiscal 1971, I was unfortunately detained elsewhere in the Capitol and was unable to be in the Chamber for the brief discussion of the bill.

At this time, therefore, I wish to thank the Senator from Wisconsin (Mr. PROXMIRE) and the entire Committee on Appropriations for bringing the bill before the Senate and securing its passage with such dispatch. This achievement is especially noteworthy since the committee

was forced to act under severe constraints. The absence of new revenue authorization, either for operating expenditures or for capital outlays, gave us very few choices, allowed virtually no leeway, and forced us to defer many increases and new programs which are very meritorious indeed.

I am very much pleased that, despite this pinch, the Senate did amend H.R. 17868 to include funds for two projects which are of particular interest to the entire Metropolitan Washington area.

The first is the construction of the subway, or Metro system, for which an appropriation of $34,178,000 was approved by the Senate. The Metro system will be a real economic lifeline not only for the central city, but for the entire region. I believe it is so important that its construction should not be further delayed or made contingent upon any other projects.

The second project of particular concern to me is the improvement of the District of Columbia sewage treatment plant at Blue Plains, for which $15.6 million was included in the Senate version of H.R. 17868. This project's objective goes beyond full secondary treatment to a high level of advanced waste treatment. It is essential if the District is ever going to meet its own water quality standards and if the Potomac River at Washington is ever going to be cleaned up.

In this connection, I am glad to report that, after a frustrating period of delays and failures of communications substantial progress is now being made in working out the details of Blue Plains improvement. For example, all of the jurisdictions involved—the District of Columbia, the State of Maryland, the Washington Suburban Sanitary Commission, and the Department of the Interior—appeared last Thursday at a hearing of the Senate District of Columbia Committee and at that time endorsed in concept a "pay-as-you-go" approach to this project, under which capital costs will be allocated among the users of Blue Plains, and each will commit itself to pay its share when needed. This approach will greatly reduce the initial capital outlay required from District of Columbia funds.

Also at that hearing, the non-Federal agencies involved agreed to review new reports of two firms of consulting engineers and to meet again on July 10. At that time they will be prepared to reach firm agreement on whether or not to expand Blue Plains to provide short-term assistance for the Maryland suburban areas; precisely what advanced technology to employ in upgrading the plant; and exactly how costs are to be allocated. They will then proceed to present their combined plan to the Interior Department without further delay.

Let me emphasize that if the WSSC and the State of Maryland decide to support the expansion of Blue Plains, they voluntarily agreed and will be expected to bear the cost of construction to serve their needs. Under the "pay-as-you-go" approach, local District of Columbia appropriations will be used to improve service to District of Columbia residents. These improvements are overdue, and approval of the $15.6 million in this bill is necessary to insure that this work can go forward this year.

Again, I wish to thank the Senator from Wisconsin for producing a sound and workable appropriations bill despite the revenue pinch which currently exists. As a member of the Committee on the District of Columbia, I intend to do everything I can to secure the prompt passage of the necessary authorization bills for the forthcoming year, so that District of Columbia appropriations for the year can be raised to more satisfactory levels.

NEW NEEDS FOR THE ARTS

Mr. JAVITS. Mr. President, in an address on June 19 to the American Symphony Orchestras League, at Denver, entitled "The Political Power of the Arts," Amyas Ames, Chairman of the Board of the Lincoln Center for the Performing Arts, has outlined what he terms as "six steps to a new phase in American life" to meet the growing crisis in our culture. The indexes of this crisis are increasingly apparent—deficits threatening the very existence of symphony orchestras, arts institutions curtailing their services to the community, and teaching programs being eliminated, among others.

It will be recalled that the British Arts Council was created and first given life during the darkest days of World War II, when London was under almost nightly siege. The British truly recognized that at a time of national stress, cultural value become vital means to build higher national morale. This is a valuable and is apertinent lesson for our times.

I ask unanimous consent that Mr. Ames' address be printed in the RECORD.

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

THE POLITICAL POWER OF THE ARTS—(SIX STEPS TO A NEW PHASE IN AMERICAN LIFE)

We can see the signs of crisis in our culture—great orchestras dying; festivals cancelled; our cities unable to pay for the public service of their arts institutions; art and music programs in schools being eliminated; teachers of art and music being let go; community activities—where whole families celebrate the arts together—cancelled. We hear the persistent doubt expressed by young and old that something is wrong with our spirit. These are serious, troubling symptoms—seen all across this country. But treating symptoms is not to cure. We need to identify the disease, to understand the nature of the problem before we can solve it.

Archibald MacLeish has said: "The true definition of a civilized society, whether primitive or technologically advanced, is a society which understands the place of the arts; which knows that the arts are not decorations at the fringes of life, or objects collected in museums, or exhibited in theaters and concert halls or published in books, but activities essential to humanity because it is through the arts and only through the arts that what is human in humanity is conceived . . . life without the presentness of art would be life lived in ignorance of itself and therefore half a life or less."

With this beautifully expressed truth in mind, listen to what is happening in America:

Across the country inflation is knocking holes in school budgets and the first activity to be cut is the art program. The lights of the performing arts are going dim everywhere—in our great cities, in our schools, in our local communities, where, through the ages, man has celebrated the arts—old young, men, women, city and country dwellers. This is happening not because of intentional policy—but for lack of attention. Other priorities and rising costs stifle music, drama and our community activities in the arts, and we are reduced to "half a life or less." As we have congregated in larger and larger cities, and have, of necessity, turned the education of children over to separate institutions, we have increasingly treated the teaching of culture, of art and music, as a frill. We have forgotten our heritage. The symptoms indicate a cancerous anemia killing all artistic life. That is our problem: what is the solution?

The solution is to do in the 1970's for the arts what we did in the last decade for technology or as we did several generations ago to introduce new immigrants to the American way—we must turn to the schools. We must do what we did in 1957 when we woke up one morning to find a Russian satellite circling the globe. We must do as we always do when we require trained persons to fill our needs.

But when we turn to the schools what do we find? We find that the "Arts Program" takes a back seat to almost everything else. Far too many students complete their entire education without any meaningful exposure to the arts or understanding of the esthetic components of their environment. I am told that nationally as high as 80 or 90 per cent of high school graduates have had no courses in art or music at all.

Let me quote Mark Schubart, Director of Education at Lincoln Center and Manager of the Lincoln Center Student Program, which brings performing arts to a million children in the public schools in and around New York. Mr. Schubart, one of the truly professional people in the area of the arts in education says: "Curiously enough, we seem never to have thought of the idea of coping with *artistic illiteracy* in the same way that we cope with the problem of illiteracy in language. An enormous effort has been made to teach our citizens to read and to write through education, and that is precisely what we must do with regard to artistic illiteracy. Instead of treating the arts as an extra-curricular activity—to put it bluntly, a frill—they must stand where they should at the heart of the curriculum."

We do have some fine educational programs in the arts developing in this country, but they benefit a pitifully small number of children. This is not so abroad Carlos Moseley, the President of the New York Philharmonic, has just returned from Japan where he traveled with the Cleveland Orchestra preparing the way for the New York Philharmonic Japanese tour in late August.

It is significant that the Japanese place such emphasis on the arts that they will pay the cost of taking two of the great American orchestras half way around the world. It is significant that the Japanese audiences at these symphony concerts are young; that their nation is producing some of the finest string players in the world in contrast to a deficiency of such young players in this country. It is significant that Carlos Moseley saw whole classes drawing and painting at the national monuments and places of great natural beauty. They were participating in the arts at the same time that they studied their national heritage.

In another part of the world, Eastern Europe, education in the arts is considered of prime importance. Dorothy Maynor, the distinguished soprano, has just returned from a trip to study teaching methods used there. She reports: "The climate of education for the arts is set in the home before the children are even born. The folk strain

of the arts is preserved and encouraged, creating an enthusiasm among a very wide cross section of the people which evolves into the finest expression of the art form." As you know, it is from Eastern Europe that some of our finest musicians have come, and it is there that attention is paid to folk activities, there that art and the cultural heritage of the people are primary courses in the schools. Dorothy Maynor believes that "the whole structure of education of the arts in this country has to be rethought."

Thoughtful leaders in this country believe that education in and enjoyment of the arts, music, dance, theater and our common heritage in the humanities is essential to a full and meaningful life. Yet, at the very moment when these leaders realize the importance of the arts, the institutions are disappearing because they cannot meet their obligations.

The costs of supporting the great cultural institutions—to make it possible for them to perform their educational and public services—and the costs of restructuring the educational system to embrace the arts and humanities will have to be determined and new priorities set. I know that the symphony orchestras, for example, must have $15-million to survive. The cost of supporting all the arts of this country in 1971/2 is at least $100-million. You might think that a lot of money, but we are a very large and productive country and $100-million is a tiny fraction of what we spend.

For example, we are spending $15-billion a year on roads and highways. If we could set a new priority and take from this the $100-million needed to save all the performing arts of this country, it would slow down the road building program by a little over two days a year or three weeks in a decade. Roads and highways must be built and maintained, but we can wait those two days.

To cite another example of priorities: our Supersonic Transport program will cost at least $4-billion. Is it not better to support a cultural program affecting all our people, parents and children alike, than to focus our energies on such a further increment of speed?

If our culture is in crisis—and it is, if people care about the Arts—and they do—if we have the spirit and the money—and we have, then how can we be most effective? The answer lies, I believe, in our developing a working partnership among our political leaders, our educators, our businessmen (who must concern themselves with the environment of the central cities), and all of us in the arcts and humanities.

We in the symphony orchestras have a central role to play. As a first step, we should recognize that we have a community of interest with all of the arts, community activities in the arts and with the entire educational system of this country.

There is evidence that we can do as a nation what has been done so successfully in New York State under Governor Rockefeller's leadership. In New York, the true political power of the performing arts was demonstrated. First a goal was set—$18-million to save the arts in New York State—a goal in one state almost equal to that of the National Endowment Bill. When Governor Rockefeller's bill for $18-million for the arts was facing defeat a Committee of "Concerned Citizens for the Arts" met—300 strong—and initiated a letter campaign. Some assemblymen in Albany received more letters than they did on the abortion issue or the parochial school issue which were both hotly contested in New York State. The $18-million for the New York Council on the Arts was passed untouched. The lights which were growing dim in New York, just as they are across the country, have brightened a great deal because concerned citizens and a responsive legislature cared. It is clear that the arts have political power if we will but use that power.

Our chances for national success are just as great as the chances were in Albany. We now have a wholly new force working for us, one based on widespread worry that the environment is in danger—not only the rivers, air, and earth, but the environment of the inner cities and of the inner mind. People want to do something to improve the quality of life—and even those not directly interested in the arts recognize their importance in this effort.

It is heartening that President Nixon has greatly increased his request for an appropriation for the National Endowments for the Arts and Humanities. We are encouraged that the Senate Committee has approved a form of this bill increasing the appropriations from $40,000,000 in 1970 to $80,000,000 in 1972. We understand that some congressmen and senators have received mail second only in quantity to the Vietnam issue in support of this legislation. But we know that even if this legislation is passed, it will not be adequate to the total needs of this nation. Specifically, as orchestra managers, we know that the federal funds envisioned for orchestras will not solve their problems.

So to reach our goal, the American symphony orchestra must enlarge their horizon; join with all performing arts institutions and, following the pattern set by New York State, set a goal of $100-million to be made available to the art companies of this country in 1971/2. We should appeal to our national leadership for support, to our political leaders for backing, and to our associates in all the cities across the country for an active working partnership to reach this goal. Finally, we should challenge our educators, not only to restructure the American educational system to include the arts, but to join with us in reaching our goal of a full and good life in the 1970's.

Specifically, we would propose legislation that would provide the National Endowment with funds that would permit grants of up to ten per cent of the gross operating costs of qualified art organizations to pay for their public service and educational work, and an additional five per cent of gross operating costs to be granted if matched two-for-one by local governments or corporations. Thus, needy art organizations performing public service and educational work could receive up to 25 per cent of their gross costs—ten per cent from the Federal Government plus an additional five per cent if they could get two-for-one matching funds (ten per cent) from state, county, city or corporations.

Permit me to sum up what I have attempted to say to you today. We must take six steps to enter a new phase in American life:

1. *Recognize a National Crisis:* We are in a great crisis in the arts—a cancerous anemia is destroying the good things in our lives. Through inattention and inflation we are killing a great heritage in our local communities, in our schools, in our living—we are all underprivileged.

2. *Raise our Sights in Partnership:* All of us in the arts must join together in a partnership—that will raise its sights to the whole, forget rivalry and join in a well-planned drive to solve our national crisis in the arts—state by state, city by city, art by art.

3. *Challenge our Educators:* We must focus the attention of the country on the true cause of the crisis—the disease not the symptom—which is that our public educational system is failing to produce artistically literate people. So art, music, drama, dance and community play disappear from our country, and our people become artistically impoverished—unable to realize a full and good life.

4. *Set a New Priority:* The arts need $100,000,000 in federal and matching local funds in 1971/2 and a permanent base of support in the years ahead to cure this deficiency—a new priority equal to 1/40th of the supersonic transport, or just a two-day delay each year in the completion of our roads and highways.

5. *Explain our Service to the Community:* The museums, performing art companies and other art organizations that deserve support are those that are serving the local communities, working with the educators, participating in the active life of their communities. The people of this country must pay for such public service or they will be deprived of it.

6. *Use our Political Power:* We know our national leadership and our politicians are sympathetic to our cause. There are signs that we have great political power. We must ask our national leadership, our politicians, our businessmen and all lovers of the arts to join in a national purpose—to make the arts a part of life in all our communities—to rescue our heritage from extinction.

If all of us will work for the common cause of the arts in our communities, in our schools, and in our great concert halls and museums—if we will do for the arts what we did for technology in the last decade, we can enter a wholly new phase of American life.

Thank you.

TRADE AND THE COMMON MARKET

Mr. JAVITS. Mr. President, as the United States continues to be bogged down on the monsoon jungles of Southeast Asia, the Common Market and the United Kingdom are opening historic negotiations which may lead to an eventual West European confederation. The London Economist has estimated that over the next 20 years 16 or 17 states are likely to join this European confederation giving the Confederation a population in excess of 400 million by 1980.

The Economist feels that—

The new Europe is almost certainly going to press forward to extraordinary economic and industrial achievements and it will probably help towards holding the right peacemaking balance of power in the world.

It foresees that—

These 400 million fairly wealthy Europeans should quite soon become the second superpower of the world, significantly outweighing the (by 1980) 280 million much poorer Russians in power and influence. During our children's lifetime, we might even, just conceivably surpass the still fewer though much richer Americans, and become once again the chief power on earth.

These hopes may appear to be optimistic as the Common Market on one side and the United Kingdom, Ireland, Denmark, and Norway on the other open some 2 years of exceedingly difficult negotiations.

However, it is clear that the United States' stake in these negotiations is enormous. The continued well-being of our people, of our economy, as well as the national security of the United States is intimately tied to these negotiations. The questions of whether the expanded Common Market, if and when it comes into being, will be inward looking or outward looking; friendly, neutral, or protectionist; is crucial to the United States' position in the world, and crucial to the continued strength and growth to our economy.

In light of the opening of these highly significant negotiations, I consider it tragic that the United States and Japan failed to resolve their trade differences

last week; and that the administration felt it had to support quota legislation designed to protect our domestic textile industry from import competition. This unfortunate confluence of circumstances in which domestic political considerations and Japanese intransigence in the negotiations were so prominent however necessary it may have seemed to the parties, will not serve to strengthen the hands of those Europeans who favor an outward looking, expanded Common Market. It will not strengthen the hands of those within the Common Market, nor of those seeking entrance, who seek to liberalize existing Common Market practices and policies which have the effect of working to the detriment of U.S. exports.

Mr. President, I ask unanimous consent that the lead article of the special London Economist survey of the prospects for European Unity, entitled "The Phoenix is Short-Sighted," and an editorial entitled "Threat to World Trade," published in Sunday's New York Times, be printed in the RECORD.

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

[From the New York Times, June 23, 1970]

THREAT TO WORLD TRADE

The showdown over Japanese textile exports to the United States has come with the arrival in Washington of the Japanese Minister of International Trade and Industry, Kiichi Miyazawa, and the Foreign Minister, Kiichi Aichi. President Nixon's top foreign policy advisers have warned that failure to work out a textile agreement with Japan is likely to cause a serious deterioration in Japanese-American relations just when Tokyo has decided to extend its security pact with Washington.

Apparently scornful of the wider political and economic dangers involved, Assistant Secretary of Commerce Kenneth Davis attacked the President's advisers and urged him to back the kind of compulsory quotas against textiles and shoes contained in the trade bill sponsored by Representative Wilbur Mills. The result was a prompt demand by Commerce Secretary Stans for Mr. Davis's resignation.

Nevertheless, there remain powerful pressures on the President to impose drastic curbs on Japanese textiles. American producers and their political spokesmen are determined to hold the President to what they regard as his 1968 campaign commitment to restrict Japanese competition. Secretary Stans has been urging the Japanese for months to accept long-term "voluntary" textile quotas that would accomplish this end, but the Japanese have refused. Premier Sato is feeling political and industrial pressures closely resembling those on Mr. Nixon.

It is urgent that both Governments withstand these pressures and find a compromise solution. Although the details of the Miyazawa proposal have not been revealed, it appears the plan may provide the basis for such a compromise. It would impose a one-year moratorium, with Japanese textile shipments to this country limited to a little above the 1969 level. But the negotiation must look beyond the next twelve months if it is to have any hope of success. The United States should offer Japan, as well as other foreign producers, a chance to compete for larger sales here as the United States market for textiles expands. The moratorium would buy time for a worldwide solution.

Despite extreme claims by the American textile industry, little evidence has been offered of substantial injury or unemployment resulting from foreign textile competition. In his economic message last week Mr. Nixon stated that this country's import policy will be reviewed "to see how supplies can be increased to meet rising demand without losing jobs at home." Textiles should provide a key test for this policy, not an exception to it.

However, the burden of a fair settlement of this dispute cannot rest solely on the United States. While complaining bitterly about the restrictions of others, the Japanese maintain tight restrictions against foreign trade and investment.

A breakdown of these textile negotiations would have disastrous consequences. Not only would it endanger United States-Japanese relations and exacerbate Japanese nationalism but it could set this country on a route to protectionism that would spread internationally. It will take wisdom and skill on the part of both Governments to avert such a disaster.

[From the Economist, May 16, 1970]

THE PHOENIX IS SHORTSIGHTED

The phoenix was the bird in ancient mythology which, after living until it was five or six centuries old, burned itself on a funeral pyre, and rose from the ashes with renewed youth to live through another life cycle. It is probable that our old western Europe, which was born in the Renaissance, reached its funeral pyre in 1914–45. A new bird has now been born. This February and March, Norman Macrae, the deputy-editor of *The Economist*, went on a journey to study it. The new young western Europe is going to turn itself into a confederation. It is likely quite quickly to surpass Russia in power and influence, and become the second most important superpower on earth. During our children's lifetimes, it may even catch up with America. But, while it is going to imitate some of America's glories, Macrae argues that it may also now be on course to repeat, on an even grander scale, every one of America's mistakes.

The new Europe is almost certainly going to press forward to extraordinary economic and industrial achievements, and it will probably help towards holding the right peacemaking balance of power in the world (which last, in this nuclear age, is obviously by far the most important fact). But the tragedy of the United States during this past American century has been that it has not managed to spend its vast money wisely in order to prevent fearful social strains arising among its people; partly because its federal constitution often does not allow its central government to move in either a reforming or an order-restoring direction smoothly or in time. Now Europe is setting up its own economic union, which must very soon lead to free movement of both labour and capital, and it is finding it convenient to pretend to itself that it will not need a central government at all.

Into this embryonic confederation is now waddling Great Britain, as usual at least 13 years late, It is proposing to negotiate about its entry during another bargaining bout in 1970–71: talking about most of the wrong things in the process, while the not-quite-government of Europe will talk about different wrong things back. In this survey Norman Macrae discusses the background to these negotiations, and the dreadful administrative muddle (in both Brussels and London) which he thinks has preceded them; then he says what he considers the real (as distinct from imagined) issues for Britain in Europe are, why our entry is desirable, and what polices he belives a Briton in Europe ought to favour. His survey is both a report from Brussels on the prospects immediately ahead, and a discussion of the big problems which may lie just beyond the range of Europe's present peering.

STEATHILY, A SUPERPOWER

The object of this journey was to make up my mind about European union. It is fairly clear that within the next 30 years some sort of west European confederation will come into being, and probably that Britain will be a member of it. This will be the biggest political development in British history. But most of the debating and thinking in Britain about the subject has not begun to measure up to that towering fact.

A huge thing is happening in Europe. They are hammering out the constitution under which more than 400 million of us are likely to be governed before the end of this century. And they are hammering it out while we all pretend that they are doing no such thing. The notes under the map on page 23 argue that, at the best guess, 16 or 17 states are likely to join a European confederation in the next 20 years. These 17 countries already contain more than 350 million people. On present demographic trends, their populations should reach 400 million even by 1980. Russia's population is likely to be 280 million by then, and America's 240 million. If our European union is coming into being, the implications are obviously enormous.

These 400 million fairly wealthy Europeans should quite soon become the second superpower of the world, significantly outweighing the (by 1980) 280 million much poorer Russians in power and influence. During our children's lifetimes,we might even, just conceivably, surpass the still fewer though much richer. Americans, and become once again the chief power on earth.

This is not said in any spirit of bombast. Indeed, although this supposedly exhilarating prospect of Europe winning a louder voice in the world is trumpted by many people as a main advantage of Britain joining the European community, the first humble point that idealistic supranationalists should recognise is surely that loudness (perhaps brassiness?) of a European voice will not in itself be a good thing. Its goodness will depend on what sort of superpower we make our Europe into.

A great responsibility is therefore likely to devolve upon the present generation of Europeans. For a superpower, as for a child, the first few years of constitution-making and character-forming are apt to be the most important. Unfortunately, one of the worried arguments of this survey is that this next crucial stage of our European constitution-making looks very likely to be a flop. Never has so great a venture been conceived with so offhand a manner of coition.

PEACEFUL, PROSPEROUS, AND SOCIALLY STRAINED?

We are at present glorying in our myodia, and calling it pragmatism. A favourite soothing sentence in Britain just now it that, even if Britain enters the European Economic Community in 1971–73, supranationalism will be a subject only for our children to decide. On the contrary, it will be for us very quickly to effect. All countries that participate in the EEC will find themselves heading speedily into at least a confederation, by which I mean an association considerably closer than a customs union, with more and more aspects of policy needing to be decided at the centre in (presumably) Brussels. The clinching fact here is that before the end of the 1980s European economic union will almost certainly have moved to the stage where there is genuinely free movement of labour between member states. The only real choice we will then face is between having an efficient confederation or having a very inefficient one.

Man at present seeks three main things through and partly from his political systems: peace, prosperity and what may be called a more cohesively gracious form of living together. My view after this trip through Europe is that the new European union will

strengthen the prospects for the first two, but is on course to make a dreadful mess of the third. The advanced countries of Europe are now at a stage where their already comfortable prosperity can almost certainly be increased unusually sharply by the freest possible movement of capital, labour and selling activities across the widest possible continental market. They are quite clearly at a stage where their peacekeeping role can be made more effective, and their technology-using defence industries less frightfully inefficient, by union of some kind. Since the strengthening of peace is the most vital objective in a nuclear world, and since a hastening of the last few steps needed before we reach a condition of sated prosperity will be quite convenient, I am a supporter of Britain's entry into the EEC at the earliest moment.

Anyway, even if I were not a partisan, I would feel it safe to be a prophet. Because man is still so greedy, the evidence that integration into large markets causes economic growth rates to expand—evidence which will probably become more convincing every year, as the growth industries for countries above the coolie class turn from mere mass-production industries like motor manufacture to mass-innovation industries like computers—is steadily going to bring all non-communist Europe into some association based on the present EEC. But the horrifying thing is that we Europeans have not looked around us, and especially across the Atlantic, to learn the other equally obvious political lesson for advanced technological societies in our time.

This is that advanced countries are now also at a stage where central governments need to spend more money, and take a bit more central power, to deal with the social problems thrown up by the freer movement of capital, labour and commercial activities which is what profitable economic integration means: problems of swelling cities and depopulated regions, of pollution and environmental control, and, above all, the strains caused within great states (or even great customs unions) by even marginal differences in institutional practices or in individual rights between different regions. The greatest problems in our rich and fat European union during the next three decades are most likely to be the problems that few people in Europe have yet begun to think about.

If the police are slightly more corrupt in one region of a union, that region may become the centre for organisation of confederation-wide crime. If there are differences within the union in interpretations of civil liberties or in the tone of boss-worker or teacher-student relations, then violence is likely to break out in either the more right-wing or the more permissively liberal regions (and the sort of violence that will do nobody any good). If welfare benefits are higher in some of the richer and mostly urbanised areas of the union, then those rich urban areas may become the haven for layabouts (although they are the most uneconomic and socially dangerous places for layabouts to congregate in). If there are differences in interpretation of gambling laws, or drug laws, or laws controlling any other morally controversial activity, then the loosest areas will become hells like Las Vegas, while other regions will try to stave this off by ridiculously puritan and repressive laws (which bring their own problems in train). And all the way across the union there will be differences in interpretation about how society should treat people who are not locally born, how much lack of deference should be shown to local political or trade union or industrial or even aristocratic bosses, and who should be regarded as most blameworthy when a policeman and a demonstrator hit each other rather hard.

WESTWARD LOOK

The coming United States of Europe should have seen all this from the experience of its great forerunner, the United States of America. The lesson from there on these issues is surely quite plain. A large part of the whole modern tragedy of America—the fact that social problems still gape so horribly in that wonderfully dynamic country which has led the world to economic and industrial miracle—has rested on the misfortune that the federal government has felt inhibited from taking some of the most vital decisions at the right and early time (e.g. it was far too, slow in getting fair treatment for the Negro in the South). Now the United States of Europe moves into being at the tail end of this illustrative American century, and it is telling itself that it will be most convenient to suppose that united Europe will not initially need a central government at all.

In no region of the coming European superpower has less thinking about future federal or confederal problems been done than in the supposedly sophisticated region of Great Britain. My main purpose in this survey is to suggest what policies I think Britain should favour on the biggest constitutional political and economic issues that will come surging out of the mist towards us in the years after Britain has signed the Treaty of Rome. Beside this, it is matter of only marginal importance for our children exactly when our signing of that treaty will be.

Our whole history will be affected if we do not start thinking what sort of government system we should favour once we are in the European Economic Community. But only a few more boring billion pounds of national income will be lost for a few more years if Mr. Thomson or his successor messes up the negotiations in 1970–71, so that some other negotiators have to get us in on rather worse terms in 1975–76. This is not the conventional thing to say just now. One is supposed to utter shrill cries about "Britain's and Europe's last chance." But we have now had three "last chances" in eight years, and I have little—well, perhaps just a nagging little—doubt that there will soon be a fourth time of asking if in 1970 or 1971 Britain sidles out.

Nevertheless, since the Thomson negotiations are due to start this summer, it will be best to begin this survey with a report on the view that I formed this journey of their prospects; and then to proceed on to discussing the issues from there.

I had visited Brussels or Paris briefly during both the first Heath and first Wilson attempts at entry. This time I went back to both capitals, and dug in at Brussels for a longer spell.

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:

[From the Washington Post, June 29, 1970]

WOMAN, 19, RAPED ON MALL; HUSBAND, FRIEND ROBBED

A 19-year-old Washington woman was raped early yesterday while she was walking on the Mall with her husband and a male friend of theirs, U.S. Park Police reported.

According to police, the three were walking at 3rd Street and Madison Avenue, near the tennis courts in front of the Capitol, at 12:45 a.m. yesterday when they were approached by three men.

The men assaulted and robbed the husband and the male companion, taking a small amount of cash, and then forced the men to lie down while they raped the woman, They then tied all three and fled, police reported.

In other serious crimes reported by area police up to 6 p.m. yesterday:

ROBBED

Paul Beal Sunoco station, 4901 Wisconsin Ave. NW, was held up by two young men who entered the station about 10:30 p.m. Saturday and asked the attendant where the cigarette machine was. One of them then drew a revolver and said, "That is a holdup." The gunman took the money from the attendant's shirt pocket, forced him at gunpoint into the garage and ran with his companion out of the front door.

Raymond Spears, of Washington, was beaten and robbed shortly after 4 a.m. by four men who attacked him as he was walking on Piney Branch Road NW, between Underwood and Van Buren Streets. Approaching Spears from behind, the assailants struck him in the face with an unidentified object, took his wallet and fled on foot.

William Aylor, of Washington, was beaten and robbed about 6:45 p.m. Saturday at Connecticut Avenue and Calvert Street NW by a man who hit and kicked Aylor and demanded, "Give me money." The man tore Aylor's pocket as he grabbed his wallet and fled from the intersection.

James Gordon, of Washington, was held up about 9:50 p.m. Saturday by two youths who approached him in the 1300 block of East Capitol Street. One of them drew a gun and said, "Hold it. Give me the money." After taking Gordon's wallet, the pair fled on foot.

Henry A. Wright, of 1817 Vernon St. NW, was held up about 1:30 a.m. in front of his home. Two young women approached Wright and asked if he had any money. When he replied no, two men joined them, one of them brandishing a gun, the other a pipe. They forced Wright to give them his wallet and fled on foot.

Veronica Lawson, of Pennsylvania, was held up about 12:05 p.m. Saturday as she entered the elevator in a building in the 700 block of 13th Street NE. A man armed with a revolver demanded her money and fled from the building after taking the bills she was carrying.

Samuel P. Payne, Jr., of 1883 New Hampshire Ave. NW, was held up about 10:05 p.m. Saturday by two young men who approached him from behind as he was opening the door of this apartment. One of them pointed a revolver at Payne and ordered, "Give me the money, man." He then took the wallet from Payne's pocket and fled on foot with his companion.

Raymond Shelton, of Washington, was held up about 10:55 p.m. Saturday by four youths who approached him at 18th Place and East Capitol Street. One of them pulled out a revolver and held Shelton at bay while a second youth took his wallet. The youths then ran west on East Capitol Street.

Norman Powe, of Washington, was held up about 3:35 p.m. Saturday by two youths, one wielding a handgun, who approached him in the 1300 block of 44th Place SE. After forcing Powe to surrender his money, the pair escaped west on Ridge Road SE.

Luther Leonard Thompson, of 713 Burns St. SE, was held up about 7 a.m. by a man displaying a gun who urged him, "Hurry up. Get in the rest room. The man is out there now." The gunman reached into Thompson's pocket took a large amount of money and

warned, "Don't come out for three minutes or I'll blow your head off."

Charles McGet, of Washington, was held up shortly after 11 p.m. Saturday in the fifth-floor hallway of an apartment building in the 2800 block of 14th Street NW. Two young men, one of them brandishing a gun, approached McGet, demanded money and fled on foot after he handed them his cash.

George A Morton, of Washington, was held up about 8:50 a.m. as he was alighting from a bus at Columbia Road and Warder Street NW. A man approached him from behind, placed a hard object at his back and asked for money. After taking Morton's cash, the man warned him not to look around, then fled.

Denney W. Leak, of Washington, was held up about 6:30 p.m. Saturday in the 1500 block of Benning Road NE. by three men who knocked him to the ground, removed a large amount of money from his right sock and fled on foot toward 16th Street.

George T. Nelson, of Arlington, a driver-salesman for the Home Juice Co., was held up about 1:30 p.m. Saturday by a youth who approached him at 40th and Blaine Streets NE. The youth drew an automatic and demanded, "Give me all your money." After Nelson handed him the bills, the gunman escaped into a wooded area in the 4000 block of Blaine Street NE.

Clarence C. Crumley, of Lansing, Mich., was held up shortly after midnight Wednesday by a man who said, "I have a gun. Give me your money." The gunman took Crumley's wallet containing cash and personal papers, then fled on foot in the 2600 block of Woodley Road NW.

McKenzie W. Perritt, of Washington, a cab driver, was held up about 4.45 a.m. by a man who asked him to take him to 62d and Banks Streets NE. There the passenger drew a pistol and demanded, "All right. Hand me the money." After taking Perritt's change purse and revolver, the man fled on foot.

Tony Harned, of Laurel, was held up about 11:30 p.m., Saturday by three youths who approached him while he was sitting in his car in the 1500 block of Kenilworth Avenue NE. "Which way to the parkway?" they asked Harned, who said he did not know. One of the youths then drew a handgun and ordered, "Let's have it." He took Harned's wallet and fled with his companion.

Roy Arthur Peterson, of Washington, was treated to Washington Hospital Center after he was shot in the hand during a robbery. Three men, one of them armed with a handgun, approached Peterson about 11 p.m. Friday at 4th Street and Rhode Island Avenue NW and told him to get out of his car. After ordering Peterson to place his hands on the car, the trio took a large amount of money, shot Peterson and fled.

William Polley, of Washington, was held up about 1:35 a.m. Saturday by three youths one of whom concealed a gun in his pocket. The trio confronted Polley in the 2800 block of Georgia Avenue NW., demanded his money and fled east in the 500 block of Gresham Street with the cash.

Naoli's Delicatessen, 1364 Florida Ave. NE., was held up about 10:30 p.m. Saturday by two youths who browsed through the store, then approached the clerk at the cash register and told him, "Open it up. Give us the money." As the employee backed away from the register, one of the youths jumped over the counter, removed the money from the cash drawer and ran out of the store with his companion.

Little Tavern diner, 630 North Capitol St. NW, was held up about 9:45 p.m. Saturday by two youths who asked the clerk for a glass of water. As he turned to serve them, one of the youths pulled out a handgun and demanded, "Give me all the money out of the cash register. No change. Just the bills." After the clerk had turned over the dollar bills, the gunman warned, "Get in the back room and don't say a word or I'll kill you," he then ran out of the shop with his companion.

George Gordon, of Washington, was held up about 4 a.m. by four men armed with handguns who confronted him in the 1600 block of C Street NE. "Let's have it," demanded one of the gunmen taking Gordon's wallet, car keys and papers, the four fled south in an alley.

Andre Duvall, of 108 Tennessee Ave. NE, was robbed about 11:30 p.m. Saturday by three young men who entered his apartment and grabbed him. After tying Duvall with a belt, the trio threatened to kill him if he came out of the bedroom. The intruders then looted the apartment and escaped with a color television set, a stereo amplifier and a stereo, AM–FM radio.

ASSAULTED

Ernestine Short, of 1431 3d St. SE, was admitted to Rogers Memorial Hospital with facial wounds she suffered during a fight about 10:10 p.m. Saturday in her home. A man struck her in the forehead with a revolver, police said.

Doris T. Langeley, of 1378 A St. SE, was treated at Rogers Memorial Hospital for head injuries she received when a man wielding a pot lid struck her over the head at about 7 p.m. Saturday inside her home.

Walter D. Peterson, of Washington, was admitted to Washington Hospital Center after he was beaten in his head and body by three men who attacked him about 2 a.m. at the intersection of Upshur Street and New Hampshire NW.

Michael Corbett, of Washington, was admitted to D.C. General Hospital for eye injuries he suffered during a fight with two teen-agers in the 1200 block of Meads Street NE, at about 4 p.m. Saturday. While one of the youths ordered his dog to attack Corbett, the other youth hit the victim in the face and body with a baseball bat.

David W. Moxley, a NASA employee from Florida, in Washington with his family to visit relatives, was treated at Sibley Hospital for injuries he suffered when his car was stoned about 11 p.m. Saturday. Moxley told police he was driving his wife, 6-year-old daughter, mother and mother-in-law into Rock Creek Park from 14th and Upshur Streets NW when they passed a group of approximately 50 men, women and children congregating on the corner. Someone threw a rock at the car, shattering the window and sending slivers of glass into Moxley's eye. Moxley said there was no apparent reason for the attack and no attempt to stop the car. Moxley said he continued driving to Connecticut Avenue and Porter Street, where he called an ambulance.

David Clark, of Washington, was treated at Rogers Memorial Hospital for injuries he suffered during an attempted robbery at 4th and K Streets NE. A man jumped Clark and tried to grab his money. Clark's mouth was injured during the struggle.

ADJUSTING OUR ASPIRATIONS TO OUR CAPABILITIES IN INDOCHINA

Mr. CHURCH. Mr. President, a seasoned and knowledgeable reporter on Asian affairs, Stanley Karnow, has provided the American people with sound and mature judgments during his decade of coverage. Recently, he summarized his stay there with a fine analysis of the untenable American position in Indochina.

He suggests that:

Our Vietnam commitment evolved gradually, perhaps inexorably, out of a frustrating conflict between our ideals and our capabilities.

On the one hand, it seems to me, an old fashioned brand of idealism inspired the conviction among able, intelligent American policymakers that the United States could play a decisive role anywhere in the world. What we discovered, though, was that we could exert only minimal influence in a strange, faraway, alien society such as Vietnam.

Mr. Karnow then goes on to recite a series of misreadings of history, false analogies—comparing Vietnam to Munich would be one—and an arrogant assumption of American "can-doism," all of which are chargeable to our national security managers.

And, finally, Mr. Karnow states:

Until we adjust our aspirations to our capabilities, it seems to me, we are bound to be disappointed.

Mr. President, I ask that the complete Karnow article be printed in the RECORD.

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

[From the Washington Post, June 28, 1970]

A GRIM NOTEBOOK ON OUR ASIAN TRAGEDY

(By Stanley Karnow)

HONG KONG. No exercise is more fascinating, illuminating and depressing for a reporter leaving Asia after a decade than to weed out his voluminous files on Vietnam. For the stacks of frayed notebooks, faded newspaper clippings and unpublished memorabilia provide a personal retrospective of an American tragedy in the making.

And the dominant sensation that emerges from this review of the past is disbelief—disbelief that the United States, purportedly a nation of hardheaded pragmatists, could have stumbled so blindly into a disaster that is now shaking the nation's stability and threatening to undermine its unity for a generation to come.

Equally striking in retrospect, is how little has changed over the years. The war has grown to monstrous proportions, of course. But it is still, as it has been from the start, an assortment of wars being fought in different ways, and for different motives in Washington, Saigon, Hanoi and on the battlefield. Thus nothing can be plausibly measured.

The search for the elusive truth about Vietnam will surely preoccupy historians and social scientists far into the future. Within the scope of my own narrow experience, however, I would suggest that our Vietnam commitment evolved gradually, perhaps inexorably, out of a frustrating conflict between our ideals and our capabilities.

On the one hand, it seems to be, an old-fashioned brand of idealism inspired the conviction among able, intelligent American policymakers that the United States could play a decisive role anywhere in the world. What we discovered, though, was that we could exert only minimal influence in a strange, faraway, alien society such as Vietnam.

Therefore, our enormous power was only marginally effective. We could inundate the South Vietnamese countryside with napalm and try to bomb North Vietnam back to the Stone Age. But we could not compel, or even persuade, our Saigon clients, much less the enemy, to accept an "honorable settlement"—if, indeed, we actually knew what kind of settlement we wanted.

So our strategists and tacticians improvised and experimented and contrived dreamy new schemes, each in its turn proclaimed by official publicists to be the winning formula. Just as Lyndon Johnson praised Ngo Dinh Diem and Richard Nixon extolled Nguyen Van Thieu, we also sought to portray a succession of Saigon leaders as potential George Washingtons. I had nearly forgotten Nguyen Khanh until a sweat-stained notebook reminded me of Robert McNamara embracing him as the savior of Vietnam as they toured the Delta together in early 1964.

BELATED AWAKENING

Meanwhile, we sank deeper and deeper into the quagmire, with hardly anyone in or out of government perceptive or courageous enough to challenge the basic concept of our Vietnam commitment until we were so involved that the question of whether to quit or remain in that benighted land divided our own nation.

In part, I think, nobody quite saw where we were heading as our Vietnam engagement was taking shape eight or nine years ago. Reaching back to 1961, I recall Robert Kennedy's reaction to attempts by American correspondents in Hong Kong to discuss Vietnam. His attention waned after a couple of minutes and he cut us short with the remark: "We've got 20 Vietnams a day to handle at the White House."

For a long time, too many U.S. politicians preferred to skirt an issue that had not yet hit them directly. As late as 1966, a West Coast congressman explained to me: "Only a dozen boys from my constituency have been killed in Vietnam so far. When the number gets up to a hundred, I'll have to think about what to say."

Significantly, the earliest critics of our Vietnam policy, like John Paul Vann and David Halberstam, did not favor withdrawal but merely advocated different methods in opposition to the conventional Establishment approach. Several of today's prominent doves were also among the principal architects of our Vietnam commitment.

Back in 1962, for example, I recollect listening to Roger Hilsman, then a senior activist on the Kennedy team, enthusiastically depicting "strategic hamlets" as a dynamic program that would revolutionize Vietnamese peasants and in the process both weaken the Vietcong and force the Diem oligarchy to reform. In short, as Hilsman told it, we were going to wage an American version of "people's war" that would beat the Communists at their own game.

The name of the game was "counter-insurgency," and it captured the imagination of the Kennedy administration. Suspicious of the Pentagon, which was still clinging to the "massive retaliation" doctrine of the Eisenhower era, the Kennedyites believed that they could spawn a new breed of American soldier capable of coping with "brush-fire wars." Hence the fanfare that heralded the "Green Berets," those romantic figures destined to use Communist tactics against the Communists in jungle conflicts from Laos to Venezuela. I remember one American general in Saigon switching to the fad: "Why, our forefathers were guerrillas against the British long before communism even existed."

A FADED ERA

Though the notion of Americans serving as revolutionaries in a foreign country is now discredited, the nonconformists were an attractive antidote to the Blimpish brass hats and bureaucrats who staffed our Saigon mission in the last 1950s, when I started reporting on Vietnam.

Saigon in those days was a pleasant, leafy city reminiscent of a provincial capital in southern France. Its easy-going ambience was matched by the complacent ignorance of our military and civilian officials, who seemed to believe their own propaganda that Diem had effectively consolidated his authority and was putting South Vietnam in the path to New England town hall democracy.

I recall one U.S. official showing me the crowd eagerly watching the results of the 1960 American presidential elections being tabulated in the display window of the U.S. Information Service library. This, he exclaimed happily, was heartening proof of real interest in democratic procedures.

A local acquaintance later informed me that the crowd was mostly composed of Saigon Chinese who could not tell Kennedy from Nixon or Maine from California and cared even less. Inveterate gamblers, they were simply betting on which numbers would come up next on the scoreboard.

The American ambassador at the time was Elbridge Durbrow, an able diplomat whose warnings about the increasing unpopularity of the Saigon regime were borne out in November, 1960, when South Vietnamese paratroopers staged an abortive coup against Diem. But Durbrow was overshadowed by the chief of the U.S. Military Advisory Group, Lt. Gen. Sam Williams, a leathery type known as "Hanging Sam" because he had presided over the execution of Nazi war criminals as commandant of the Nuremberg jail.

Personifying the adage that generals approach every new war with the strategies of the last one, Williams anticipated a Korean-style Communist invasion of Vietnam and helped Diem to build a roadbound army that the Saigon leader primarily wanted for protection against internal uprisings. Like his predecessors and several of his successors, Williams also operated independently from the ambassador, thereby giving Diem the opportunity to play off the Pentagon against the State Department.

DIEM POLICY HARDENS

The 1960 coup attempt, in which Diem outmaneuvered his adversaries by promising to reform and reneging afterward, was an important episode. It confirmed Diem's distrust of nearly everyone outside his immediate family and, as a consequence, strengthened the power of his brother, Ngo Dinh Nhu, and Nhu's wife—a couple that made the Borgias look like the Billy Grahams.

As the power of the Nhus grew, many of Diem's most intimate subordinates began to voice their grievances to foreigners. Among the disenchanted were Dr. Tran Kim Tuyen, director of Diem's secret police, and Col. Pham Ngoc Thao, a former Vietminh officer who had turned anticommunist in 1954. They and others like them repeatedly told any American who would listen that the Diem regime would collapse unless it was made to reform. Eventually, the Buddhist resistance of 1963 spiraled into an army-led revolt in which Diem and Nhu were murdered.

But even as this storm was brewing, there was an almost incredible refusal on the part of U.S. officialdom to concede that an eruption was possible. The CIA station chief in Saigon, for instance, offered a memorable reply to questions about rising disaffection in Diem's army. "Come now," he said, "Lincoln had trouble with his generals, too."

In a brilliant analysis of the American commitment to Vietnam published a couple of years ago, James C. Thomson, Jr., a onetime White House aide, contended that the Bay of Pigs fiasco, Khrushchev's truculence at Vienna and the Berlin crisis all combined in 1961 to create an atmosphere in which President Kennedy felt compelled to demonstrate America's mettle. The arena for that demonstration was Vietnam. Accordingly, Diem was our man.

This was already apparent in early 1961 when Lyndon Johnson, then Vice President, flew to Saigon and referred to Diem as the "Winston Churchill of Asia." Later, riding in Mr. Johnson's airplane, I asked him why he had lavished such praise on the Saigon leader. "Now, you know he's the only boy we got out there," he responded casually.

That comment was, of course, a variant of the well-known rationale for backing unattractive characters the world over. "He's a sonuvabitch, but he's our sonuvabitch." In this case, though, Mr. Johnson's exuberance had the effect of convincing Diem that he was really Asia's Churchill and, after that, there was no shaking his belief in his own infallibility. Therefore, when Gen. Maxwell Taylor arrived in Saigon in late 1961 to work out the first in a series of massive aid programs to Vietnam, Diem stubbornly rebuffed recommendations that he liberalize his government. In essence, he acted as if he was doing us a favor by taking our help.

It soon became evident, as Robert Scigliano observed, that if Diem and his family were American puppets as the Communists alleged, they were puppets who pulled their own strings. And as the U.S. involvement expanded in later years, we began to perceive that the South Vietnamese pulled our strings as well—for the elementary reason, I believe, that our repeated assertions that the fate of our nation hangs in the balance in Vietnam have naturally convinced them that they hold the key to our destiny.

The pattern that has made us prisoners of our reputed puppets was therefore fixed in our 1961 decisions to support Diem on his own terms. Moreover, the style of our approach to the Saigon leaders was set by Frederick Nolting, the U.S. ambassador of that period. He seemed to believe that, by appeasing Diem, he would somehow store up credit with the Saigon leader that could be redeemed when Washington sought South Vietnam's cooperation on major issues.

Accordingly, Nolting not only went along with Diem's whims but even, on one occasion in early 1962, delivered a speech to the local Rotary Club urging Saigon's middle-class burghers to cease their carping and get behind the regime. Nolting evidently did not know that one earnest Rotarian, Harvard-educated Dr. Pham Quang Dan, was then being held in an airless underground cell in the Saigon botanical gardens for having criticized Diem's family.

The flaw in the Nolting approach—and the flaw in subsequent attempts to appease Saigon leaders—lay in Diem's knowledge that we needed him more than he needed us. Nolting learned that his credit was worthless when, in 1962, he was instructed by Washington to dissuade Diem from breaking relations with the newly formed neutral government in Laos. Diem refused, saying in effect: "I don't owe you a thing."

POSITIVE THINKING

In the meantime, our immersion in a situation we could not quite understand, let alone control, was being accelerated by the insistence of our military establishment that we were making great strides in the crusade against the Communists.

To a large extent, I think, our capacity for self-delusion stemmed from what one U.S. diplomat has called "can-doism"—the certainty that Americans can do anything anywhere and that those who say otherwise are defeatists. In short, we became hypnotized by our own concept of ourselves as supermen to such a degree that American officials in Vietnam were instructed to turn in optimistic reports even if they bore no resemblance to reality. "Positive thinking" was the byword.

This urge to portray the U.S. effort in glowing Technicolor was reflected in Adm. Harry Felt's advice to correspondents to "get on the team." It was also dramatized in the graphs and flip-charts and statistics that led Robert McNamara to state that "by every quantitative measure, we are winning the war." Most of all, I believe, the generals wanted to believe they were making progress because they knew that there were no promotions for losers. In 1963, after McNamara predicted that Americans would be out of Vietnam by Christmas, 1965, the U.S. commander in Saigon, Gen. Paul Harkins, told me: "I think the Secretary is too pessimistic. We'll be home before the end of 1964."

The compulsion to register progress went to such lengths that a group of senior U.S. officials even announced a minor "victory" when a New Year's Eve party they threw was not attacked by Vietcong terrorists then active in Saigon. A similarly upbeat emphasis was constantly stressed by the ebullient Robert Komer, the former ambassador in charge of pacification. Flying with him around central Vietnam during the 1968

Lunar New Year offensive, we landed at one badly hit town. Komer scanned the scene and said in his staccato style: "They told me this place was 90 per cent destroyed. Why, it's not more than 70 per cent destroyed."

In 1964, when Maxwell Taylor became ambassador in Saigon, the mission machinery was reorganized in order to report progress even if none was actually taking place. Before this, U.S. and South Vietnamese officials had tried to plan together, and movement had been slow. To speed things up, Taylor created a "mission council" composed exclusively of Americans who conceived projects and passed them on in package form to the Vietnamese.

DISREGARD FOR FACTS

In some instances, careful studies of proposed programs were discarded because their recommendations were negative. This was the case in 1961, when two foremost American experts advised against moving peasants into "strategic hamlets" on the grounds that displacing people did more harm than good. Their advice was rejected, and the program went ahead anyway, with dubious results.

The demand from Washington for rapid action sometimes meant that decisions were made without advance study and were justified afterward. In late 1964, for example, a Rand Corporation team was set up to assess the possible political repercussions of employing tactical U.S. air power inside South Vietnam. The team expected to produce "preliminary" recommendations within a year. The bombings started long before that. The team thereupon endorsed the bombings with the somewhat contorted rationale that peasants blamed the Vietcong for turning their villages into targets for air strikes.

The tendency to shoot first and ask questions afterward often reflected a desperate desire to maintain a rapid momentum of innovations. The White House itself was frequently the source of the pressure for this momentum. A six-month course to train South Vietnamese pacification cadres was cut down to six weeks, for instance, because Washington was in a hurry. The upshot, explained one official connected with the course, was that "we turned out sausages instead of competent cadres."

The rush to do something was understandably prompted during times of extreme crisis, when almost any move was considered preferable to inaction. The decision to bomb North Vietnam, though planned in advance, was evidently taken in order to arrest the deteriorating situation in the South in early 1965, when Saigon governments were toppling and the Saigon strategic reserve battalions were being decimated.

Looking back, it seems to me that our conduct in Vietnam was generally less convoluted than many observers have suggested. Indeed, it could be argued that we were insufficiently Machiavellian, especially within the context of an arcane Oriental society. American military and civilian officials were not, like the Vietnamese, chronically involved in complicated plots and conspiracies. On the contrary, they behaved for the most part in straightforward fashion, and that was the rub. Vietnam is a corkscrew country, the "land of the doublecross," as Douglas Pike called it. Yet we persistently believed that we could shape the Vietnamese into facsimiles of ourselves.

To label the 1967 Vietnam elections fraud would be unfair. But they were a farce in the sense that, outside Saigon and other cities, the notion of free choice was alien. Still, Lyndon Johnson wanted a legitimate Saigon government and the Vietnamese leaders saw no inconvenience in obliging him.

At Bentre, the capital of Kienhoa Province, I asked the province chief about previous Vietnamese elections he had known. He candidly replied that the 1959 National Assembly elections had been crooked and the 1961 presidential election even worse.

"What will you have to say about the present elections if I come back here in five or six years?" I asked.

He laughed and answered: "Now these elections, I assure you, are truly honest."

If elections were calculated to Americanize the Vietnamese politically—or at least give that impression to the U.S. public—the decision in 1965 to send American combat troop into Vietnam was a move to Americanize the war. In retrospect, I think it represented a more honestly American approach than the romantic counterinsurgency efforts of the past. Now, for the first time, we would fight in American style with air and armor backed up by PXs and pinball machines.

By the end of 1965, moreover, the sheer weight of the U.S. military presence had stopped the Communists from dissecting the country. After that, however, we deluded ourselves into thinking that our ability to prevent a Communist victory meant that we could achieve a victory ourselves. In late 1967, Gen. Westmoreland announced that we had "turned the corner." A couple of months later, the Tet offensive exploded.

The Tet offensive was not the military success that Communists had anticipated. They took tremendous losses, and their political apparatus in the South was severely damaged, but, perhaps unintentionally, their drive dealt an irreparable blow to U.S. credibility. If nothing more, the Communists showed that they could mount a vast array of actions in the face of American claims that they were on the verge of collapse.

American credibility again suffered from President Nixon's thrust into Cambodia, for his decision seemed to contravene his repeated assertions that he was seeking to wind down the war. Like so many moves undertaken during the Vietnam conflict, the Cambodian invasion was apparently initiated for narrow military objectives without consideration for the wide range of political, diplomatic and psychological repercussions that were bound to occur at home and abroad.

In his April 30 speech, Mr. Nixon underlined an American problem when he depicted the United States becoming a "pitiful, helpless giant" unless we succeeded in Vietnam. For the lesson we ought to have learned in Vietnam is that giants at this stage in history are not omnipotent. The Russians are as frustrated by their North Vietnamese allies as we are by our Saigon clients.

Until we adjust our aspirations to our capabilities, it seems to me, we are bound to be disappointed. In the meantime, I am changing the label on my files from "Vietnam" to "Indochina."

ONLY CONGRESS CAN END THE WAR

Mr. CHURCH. Mr. President, one of the great American daily newspapers, located in the heart of the Midwest, the St. Louis Post-Dispatch, has repeatedly expressed its forebodings about our Cambodian military operation. Recently, it again expressed misgivings in an editorial aptly entitled "Ending the War Is Up to Congress."

The editorial begins by stating simply:

Americans who want the Indochina war ended will have to rely on Congress.

Near its conclusion, the editorial states:

Even if the Administration succeeds in stalling a vote on the Cooper-Church amendment until after June 30 it should be passed, in order to prevent a second American invasion of Cambodia later on.

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:

ENDING THE WAR IS UP TO CONGRESS

Americans who want the Indochina war ended will have to rely on Congress. That is the conclusion to be drawn from President Nixon's interim report on the Cambodian invasion. His speech Thursday night was a piece of slick propaganda so deceptive as to call for a redoubling of effort in Congress to pass the Cooper-Church and McGovern-Hatfield amendments, setting definite time limits on American military operations in Cambodia and Vietnam.

Mr. Nixon's object was to paint the Cambodian invasion as a delirious success, the greatest triumph of the war. All military objectives, he said had been achieved. Yet curiously enough he neglected even to mention the foremost and overriding military objective which he laid down when the invasion began—the capture and breakup of COSVN, the alleged Communist headquarters for all operations in South Vietnam.

Obviously this objective has not been attained, but Mr. Nixon brushes that off with films and rhetoric about captured munitions and rice. Even if the seizure of supplies is as important as he claims, which we doubt, what does it really mean? A long and dismal experience demonstrates that supplies can be replaced in a few months, and then what do we do? Go back into Cambodia?

Likewise Mr. Nixon sought to ladle out soothing syrup on troop withdrawals, asserting that he stands by his pledge to take out 150,000 by April, 1971, promising that 50,000 of these will come out by next October 15, and claiming that the Cambodian adventure has made these withdrawals possible. The truth is that the pace of withdrawal has actually been slowed down. Before Cambodia withdrawals averaged better than 21,000 a month; during the coming year they will average only 12,500 a month even if the schedule is met.

Even if the schedule is met, furthermore, that will still leave in Vietnam a year from now between 250,000 and 300,000 American troops. Mr. Nixon has given no commitment as to when these will be withdrawn and the logic of his Vietnamization policy goes against their being withdrawn at all. What is in the Administration's mind was made clear enough in Secretary of State Roger's press conference on May 13. Pressed to say when these residual troops would be withdrawn, Mr. Rogers would only answer, "Well, we haven't announced any target date for that." When asked whether any withdrawls would continue after 1971 he replied, "I don't want to comment."

Thus the substance of Mr. Nixon's policy differs markedly from the appearance he tries to put on it for the TV audience. He claims to be solemnly redeeming his pledge to get all American forces out of Cambodia by June 30, but in fact he is going to continue such a degree of air war as he deems necessary. He claims to be protecting American troops by attacking Cambodia, but in fact he is protecting an unrepresentative and despotic Saigon government. He claims to be reducing the scope of the war, but in fact he is widening it. He claims to favor a negotiated political settlement, but pursues policies that make negotiation impossible.

Because of this discrepancy between words and deeds, Americans who want to end the war must turn to their Representatives and Senators in Congress. Congress has the constitutional power to grant or withhold funds for military operations, and it now has the solemn obligation to exercise this power on the basis of its own judgment.

Even if the Administration succeeds in stalling a vote on the Cooper-Church amendment until after June 30 it should be passed, in order to prevent a second American invasion of Cambodia later on. And even if Mr. Nixon does resume withdrawals from Viet-

nam, the McGovern-Hatfield amendment setting a cutoff date for any military operations should be passed, in order to make sure that all our troops, not just half of them, come out by the end of 1971.

THE MIRE OF ASIA

Mr. CHURCH. Mr. President, a gloomy glimpse of what the future may hold for Americans in South Vietnam may be obtained by reading a news dispatch in the New York Times datelined Seoul, South Korea.

The Korean war erupted in June 1950, and the armistice was signed 3 years later. In between, we suffered nearly 160,000 casualties, of whom 33,600 were battle deaths. So with that as a brief background, it is with considerable interest—and uneasiness—that I read the news article which quotes President Park of South Korea as stating—17 years after the Korean armistice, mind you—

The continued presence of the United States troops (64,000 personnel) is absolutely necessary until we have developed our own capability to cope successfully with North Korea, which has completed war preparations and is attempting to provoke a war.

President Park acknowledged that American troops cannot be kept in Korea "indefinitely," but in the next breath he is quoted:

This is not yet the time to consider withdrawals of the United States troops from Korea.

I wonder, Mr. President, if "the time" will ever come. How long, we may ask ourselves, are we to serve as a crutch to Asian governments that will never learn to stand unless the crutch is removed.

I ask unanimous consent that the New York Times article be printed in the RECORD.

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

[From the New York Times, June 24, 1970]

PARK TERMS U.S. TROOPS VITAL TO THE SECURITY OF SOUTH KOREA

SEOUL, SOUTH KOREA, June 23.—President Chung Hee Park said today that the continued presence of American troops in South Korea was "absolutely necessary" until this country has built up its own capability to defend itself against Communist aggression.

He made the remarks during an inspection visit to the headquarters of the South Korean Second Army at Taegu, 150 miles southeast of Seoul. It was the President's first public reaction to the reported plan of the United States to negotiate soon for a reduction in its 64,000-man force in Korea, starting in July of next year.

Other leading officials, including Foreign Minister Choi Kyu Hah and a high aide on Mr. Park's staff, have previously voiced their concern. [South Korea's military situation and its persisting concern are reviewed in a dispatch on Page 2.]

"I understand" President Park said, "that the talk of troop reduction came up in the course of studies for a global cutback on America's overseas bases in accordance with the so-called Nixon Doctrine, which is not limited to Korea."

"Under such circumstances," he continued, "we are not asking the United States to keep its troops here indefinitely."

"However," Mr. Park added, "the continued presence of the United States troops is absolutely necessary until we have developed our own capability to cope successfully with North Korea, which has completed war preparations and is attempting to provoke a war."

"This is not yet the time to consider withdrawals of the United States troops from Korea," the former soldier, who came to power in a military coup in 1961, asserted. "We will make strong efforts to have our views reflected through diplomatic negotiations with the United States."

Mr. Park called on the South Korean people and the military forces to discard any excessive dependence on outside help and to make maximum efforts to build up "a self-reliant defense capability."

He did not comment on the plan to provide $1-billion in special military aid that is reportedly being considered by the Nixon Administration in conjunction with the troop reduction plan. The funds would be used for modernization of the 620,000-man South Korean armed forces over the next five years.

In Seoul, meanwhile, Lieut. Gen. Yoo Keun Chang, director of the anti-infiltration Operations Command predicted a stepped-up terrorist campaign by North Korean agents in South Korea.

In a news conference at the Defense Ministry, General Yoo said North Korea had been sending specially trained agents, equipped with remote-control bombs, grenade-launchers and submachine guns, on missions to assassinate President Park and other Government leaders and destroy important public facilities.

He said the abortive attempt to plant one such bomb at a gate of the National Cemetery yesterday was part of the campaign. One of a party of three North Korea agents was killed when the bomb exploded prematurely. The other two men are still at large.

General Yoo said that so far this year 123 Communist agents were known to have infiltrated from the North by land and sea routes in a total of 34 operations. Thirty-nine have been killed and 19 captured, he said.

"JUST DIGGING IN" IS UNWELCOME NEWS

Mr. CHURCH. Mr. President, as I have noted over the last several weeks, a number of persons who worked in the pilot house of American policy in Indochina under previous administrations are now attempting to bare the deep flaws that led us there and keep us there.

Two conspicuous members of this fraternity are Townsend Hoopes and Paul C. Warnke, each of whom served as Assistant Secretary of Defense for International Affairs under President Johnson. In the course of a summary review of the Nixon administration's operations, the two men have come to the conclusion that the President is "really just digging in."

They identify three basic elements of the Nixon strategy for Indochina:

(1) Endeavoring to reduce U.S. forces to that level which, in his judgment, will be politically acceptable to American public opinion.

(2) Striving to strengthen ARVN (the South Vietnamese army) to a point where, in collaboration with remaining U.S. forces, an unassailable military posture can be permanently assured.

And—

(3) Hoping to force Hanoi to recognize the enduring nature of that posture, thereby inducing Hanoi to negotiate a settlement in Paris on present U.S. terms.

These and related points constitute a doleful montage of events that indicate our policymakers under both Democratic and Republican administrations are like the French Bourbons—"They learn nothing and they forget nothing."

It is like a continuous rerun of a motion picture, except that the events and episodes in Indochina are "real." They are corroding our institutions, decimating our young men, and draining our Treasury—all for impermanent and improbable objectives.

The authors state that the main tenets of our postwar foreign policy, however "strong and valid for their time," now need revision because:

Among other things, they fail to reflect the fragmentation of the "Communist bloc," the recovery of Europe, and the deep divisions in our own society that call for drastic realignment of national priorities. We cannot gain the breathing space, we cannot reconcile the younger generation, we cannot conduct a reasoned self-appraisal until the Indochina enterprise is liquidated.

In conclusion, Messrs. Hoopes and Warnke declare that the American people must understand what is really going on so that they can effectively assert their right to a policy consistent with their interest."

I ask unanimous consent to have the article printed in the RECORD.

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

[From the Washington Post, June 21, 1970]

NIXON IS REALLY JUST DIGGING IN

(By Townsend Hoopes and Paul C. Warnke)

President Nixon's speech of June 3 has now made undisguisably clear the aim of his Vietnam policy. It is not a total withdrawal of U.S. forces in the next 12 to 18 months, or even in the foreseeable future; nor does it involve a willingness to accept the consequences of the free play of political forces in Indochina. Mr. Nixon's Vietnam policy involves three basic elements:

Endeavoring to reduce U.S. forces to that level which, in his judgment, will be politically acceptable to American public opinion.

Striving to strengthen ARVN (the South Vietnamese army) to a point where, in collaboration with remaining U.S. forces, an unassailable military posture can be permanently assured.

Hoping to force Hanoi to recognize the enduring nature of that posture, thereby inducing Hanoi to negotiate a settlement in Paris on present U.S. terms.

Behind a smokescreen of ambiguity, that is now the clear shape of the Nixon policy. It is confirmed by the surfacing of U.S.-subsidized Thai "volunteers" for Cambodia and by the lack of administration resistance to indications that ARVN will continue its Cambodian operations indefinitely.

It has been supposed that of the three major considerations said to have produced the April 30 Cambodia decision, what counted most was the concern that continued American force withdrawals depended on "cleaning out the sanctuaries." Even in that context, the Cambodian border crossings were pre-emptive strikes designed not to meet an immediate threat but to reduce enemy capabilities in the area for four to six months, thereby buying time for the "further strengthening" of ARVN.

No doubt that was the thrust of Gen. Creighton Abrams' view (which suggests how unreliable and unpromising ARVN is really regarded by the U.S. command, beneath all the chamber of commerce ebullience about

Vietnamization). The President on June 3 made this view his own official explanation for the decision to strike Cambodia.

However, this explanation looks like an after-the-fact rationalization invented by Defense Secretary Melvin Laird. For as Stewart Alsop's look at the President's yellow pad (Newsweek, June 1) made quite clear, Mr. Nixon is still tilting with "international communism" in Southeast Asia and his chief concern on April 30 was that Cambodia might go Communist.

The most revealing point on the yellow pad was the Nixon concern that, if neither side moved, an "ambiguous situation" might arise in Cambodia which would make it very difficult for the United States to hit the sanctuaries—i.e., we would be charged by international opinion with attacking a neutral convention and the degree of disarray special scrutiny.

Specifically his conclusions on June 3 that activities in the Cambodian sanctuaries between April 20 and April 30 "posed an unacceptable threat to our remaining forces in South Vietnam" is belied by Laird's statement to newsmen that the attacks represented "an opportunity" because the North Vietnamese in Cambodia, unsettled by the Lon Nol coup, were at that time facing west. More generally, his concern to act precipitately would seem to reflect a failure to understand that in limited war, there are sanctuaries by definition.

Why attack Cambodia rather than Laos or across the DMZ? Why refuse to acknowledge that a certain mutual respect for sanctuaries is what has kept U.S. air bases in Thailand essentially free from sapper attacks?

There is a further point. One would have supposed that a President who had publicly eschowed the prospect of military victory and who was conducting a strategic withdrawal had long since made the judgment that the particular coloration of petty nongovernments in Southeast Asia did not affect the serious interests of the United States. A statesman who had in fact decided that a genuine U.S. extrication from the area was necessary would indeed be at pains to foster "ambiguous situations." He would go out of his way to avoid a clear-cut Communist-antiCommunist polarization.

THAT "JUST PEACE"

Mr. Nixon's quite opposite concerns and actions tell us something very important. With respect to Vietnamization, Secretary of State William P. Rogers and Laird have consistently run ahead of the President with their clear implication that the program is primarily a vehicle for total U.S. extrication (even though the war might continue after our forces were gone). Mr. Nixon, however, has always insisted that Vietnamization will lead to "a just peace" and an end to the war.

On June 3, he said categorically: "I have pledged to end this war. I shall keep that pledge." These have been puzzling assertions. since all signs indicate that even successful Vietnamization (i.e., a transfer of the entire military burden to ARVN) could produce nothing better than interminable war. The speech of June 3 and the revelations of the yellow pad now make these assertions a good deal less puzzling.

They show that what Mr. Nixon means by a "just peace" is Hanoi's recognition of a permanent position of U.S.-ARVN military strength in South Vietnam. Since even the White House has in various ways revealed that it has no illusions about ARVN's ability to go it alone, it is a fair inference from a series of official statements that a "just peace" will require the indefinite retention of something in the neighborhood of 200,000 U.S. troops as well as indefinite support for the Thieu regime.

How Mr. Nixon plans to make these requirements politically palatable at home is not yet clear. Until recently he had kept both his aims and his formulations artfully vague, but now the fig leaf has fallen away.

The difficulty with this vision of the future is that it is a gossamer dream on at least two counts: (1) On all the evidence, the American people are not prepared to sustain a sizable military commitment in Vietnam for an indefinite period, especially under conditions that require our forces to go on winning victory after meaningless victory in the pattern of the past five years; and (2) there is absolutely nothing in the history of the Vietnam war (or in the present or prospective power balance there) to indicate that Hanoi will come to terms with the Thieu regime.

If Mr. Nixon and his advisers really believe that they can force a settlement in Paris on present U.S. terms, then they remain deluded about the most fundamental political-military realities in Vietnam; they also fail to grasp how very narrow are the margins of domestic tolerance for their conduct of the old war, not to mention the new and wider war they have now arranged.

Negotiations in Paris have failed chiefly because our political aims exceed our bargaining power. Hanoi is not prepared to accept arrangements for elections worked out under the auspices of the Thieu government and in which the winner would take all; and the U.S.-ARVN military position, even at the point of its maximum strenth, was not sufficient to compel Hanoi to bargain on our terms. The departure of 110,000 U.S. troops and the promised withdrawal of another 150,000 hardly strengthen our military position.

A VULNERABLE PROCESS

Thus strapped to a negotiating position that cannot succeed, Mr. Nixon is thrown back upon Vietnamization. But owing to the very uncertain qualities of ARVN and to the President's unstated (but now undisguisable) insistence that our proxy regime must be permanently secured, the process of American withdrawal is necessarily slow and ambiguous.

Its lingering nature makes it vulnerable to unanticipated intervening events, like the Lon Nol coup, which knock it off balance and create new pressures for compensatory military action—pressures which Mr. Nixon promptly translates into "opportunities" in the permanent holy war against communism. Its conditional nature—the unspoken determination to hang in there until we have ended the war in a "just peace"—precludes a negotiated settlement and also works against a tactic understanding with the other side with regard to lowering the level of violence.

In this mushy situation, the war is considerably enlarged, and with it, American responsibility for the Cambodian government. The setting in motion of imponderable new political forces (in Phnom Penh, Vientiane, Bangkok, Saigon, Hanoi, Peking, Moscow and Washington) indicates that the struggle in Cambodia will be protracted, will probably spread, will reopen old tribal hatreds and will continue to involve us in situations which the American presence can aggravate but can do nothing to resolve.

Meanwhile, American force withdrawals continue, impelled by domestic pressures. As they do, the truth is borne in upon the administration that the gradual and unnegotiated character of the reductions cannot, below certain levels, assure the safety of the remaining forces.

This unfolding denouement requires that the American people wake up to the self-deception and bankruptcy of the Nixon policy in Vietnam, for it is now a matter of the utmost urgency to bring policy into accord with realities both in Indochina and at home. Our transcendent need at this juncture is for leadership in the White House—and if that is not possible, then in Congress—with the scale of mind and the inner firmness to explain the real choices facing the country.

The task is to lead public opinion toward an understanding that a Vietnam policy based upon these realities is consistent with our national interest, can be carried forward without a traumatic loss of self-confidence and need not cause a lapse into mindless isolation—above all, that such action is infinitely preferable to continued self-deception.

PERSISTENT RHETORIC

We are not getting that leadership. President Nixon seems somewhere between believing in the essential rightness of the war and understanding that the American interest requires its liquidation. He has evolved a policy of substantially reducing, but not ending, the American role.

At the same time, he has been unwilling to abandon the rhetoric that supported our intervention in the first place. One must conclude that either he genuinely believes the rhetoric or is afraid to risk, through candor, even a transient loss of natural prestige for the sake of a healthy adjustment to the facts.

Viewed in the light of the political situation in the United States and the military situation in Indochina, the Nixon policy is a grab bag of contradictions, illusions and expedient actions. It seeks objectives that are unattainable while warning that acceptance of anything less would mean "humiliation and defeat for the United States." The increasingly visible gulf between this martial bravado and the known facts is producing a form of official schizophrenia; if unchecked, it could lead to a national nervous breakdown.

Worse still, if the President really does believe his own rhetoric, there is the predictable danger that he will feel compelled to take action more drastic than the Cambodian strikes in certain forseeable situations—e.g., after U.S. forces have been further reduced but there has been no corresponding improvement of ARVN and no corresponding deterioration of North Vietnamese capability. Indeed, the looming probability of just such a crunch is what makes it imperative for the country to face the realities now while there is still time for dignified, rational, deliberate choice.

If we continue down Mr. Nixon's path, we could easily reach a situation which seriously threatened the safety of our remaining forces. At that point, we would face a constricted choice between immediate escalation and immediate liquidation. Can anyone believe a wise decision could be made in such circumstances? Given the divisiveness, the frayed nerves and the general distemper that now define our national mood, does anyone have confidence that our political system would not be grievously shaken by the consequences of either choice?

THREE MAJOR POINTS

It is now obvious that Mr. Nixon missed a golden opportunity, during the honeymoon period of early 1969, to lead the country firmly away from a decade of self-deception by beginning to uncoil the contradictions and restore the national balance. He could have taken definitive steps toward liquidating the war and binding up the national wounds.

He could have done this without political risk to himself and indeed with positive benefit for his party and the cause of national unity. Though time is running out, it is still not too late for someone—preferably, of course, the President—to take up this vital task. Three points need to be explained to the American people with absolute clarity.

1. That after five years of major combat, we have done about as much as any outside power could do to shore up the government of South Vietnam;

2. That the tangled political issues which divide Vietnam, growing as they do out of long colonial repression and the ensuing

struggle to define a national identity, can only be settled among the Vietnamese themselves;

3. That, contrary to the erroneous assumption on which U.S. military intervention was based, the particular constitutional form and the particular ideological orientation of Vietnamese (and Indochinese) politics do not affect the vital interest of the United States.

Adoption of such a posture would lead directly (a) to a policy of deliberate, orderly, unswerving and total withdrawal of U.S. forces to be completed not later than the end of 1971; and (b) thus to circumstances that could bring about a serious negotiation based on our declared intention to depart

This kind of negotiation would not be unconditional. We would require the return of our prisoners and the safe withdrawal of all forces; we would seek at the same time to provide, with Russian and other outside assistance, for the restoration of neutrality at least in Cambodia and Laos, and hopefully in Vietnam as well. This approach is fully consistent with plans put forward at different times by Averell Harriman and Clark Clifford.

It must be faced, however, that the Nixon decision to strike Cambodia has moved us further away from the chances of political settlement. For that act has surely deepened Hanoi's suspicion that we do not intend to leave while it has reinforced Saigon's natural resistance to compromise. In addition, of course, it has put into our laps the problems of working out the political future of yet another country.

GIANTS IN QUICKSAND

Nevertheless, it does not seem impossible that steady, candid, clearheaded leadership, based squarely upon the three points set down above, could steer the American Leviathan through the dangerous transition without running the ship aground or producing general hysteria. For one thing, there is really no choice about leaving Vietnam; for another, there are enormous advantages ahead if we can by skill and steady nerves make a safe and sane passage.

To change the metaphor, Mr. Nixon's "pitiful giant" of April 30 is pitiful chiefly because his leg is in quicksand up to the midthigh and because he is unresolved about its extrication. But the military, economic and psychological advantages of removing the leg are demonstrable.

With two feet on solid ground again, the country would regain its global poise. Our influence and power would not evaporate. We would not be rendered incapable of defining and defending our legitimate interests. On the contrary, our ability to reassure our NATO and Japanese treaty partners, and our capacity to exert a steadying influence on the smoldering situation in the Middle East, could only be enhanced. Our industrial, technical and cultural achievements would continue to astound and attract the world.

At home, we desperately need a breathing space in which to redefine our vital interests, our military strategy, our basic relationships with the rest of the world. We are still operating essentially within the frame of a foreign policy worked out in the late 1940s.

The main tenets of that policy were strong and valid for their time, but they are now badly in need of revision; among other things, they fail to reflect the fragmentation of the "Communist bloc," the recovery of Europe and the deep divisions in our own society that call for drastic realignment of national priorities. We cannot gain the breathing space, we cannot reconcile the younger generation, we cannot conduct a reasoned self-appraisal until the Indochina enterprise is liquidated.

It is important that the American people understand what is going on so that they can effectively assert their right to a policy consistent with their interests.

THE RISING RATE OF ANTI-VIETNAM SENTIMENT

Mr. CHURCH. Mr. President, this weekend the Gallup Poll released its latest survey that reaffirms that the barometer of anti-Vietnam opinion among Americans is steadily rising. Five years ago only 24 percent of Americans shared my view that the Vietnam war was a mistake. Since then, it has slowly risen to a solid majority. The Gallup Poll's most recent survey shows that 56 percent of Americans "think the U.S. made a mistake sending troops to fight in Vietnam."

I ask unanimous consent that the poll be printed in the RECORD at this point in my remarks:

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

FIFTY-SIX PERCENT OF PUBLIC REGRETS INVOLVEMENT IN VIETNAM

(By George Gallup)

PRINCETON, N.J.—The number of Americans who think we were wrong to have become involved in Vietnam has increased in the latest survey, closely approaching the all-time high recorded last September.

A majority of adults, 56 per cent, believe we made a mistake sending troops to fight in Vietnam. In the previous survey in April, the percentage was 51 per cent. In September, 58 per cent held this view.

The proportion of citizens who think we were wrong to commit our forces to Vietnam has more than doubled over the last five years.

In August, 1965, one year after the Gulf of Tonkin incident, 24 per cent of all persons interviewed said they believed it a mistake to have become involved in the war. The percentage climbed to 36 per cent in 1966, to 46 per cent in 1967, to 53 per cent in 1968, to 58 per cent last fall.

The proportion now clearly exceeds the proportion which in the early Fifties felt our involvement in the Korean war was a mistake. This had reached a high of 51 per cent in April, 1952.

THE COLLEGE SHIFT

The sharpest shift in opinions on U.S. involvement has come about among persons with a college background. In the early stages of the war college people were most inclined to back our presence. Today the reverse is true.

"When we first got involved over there, I thought we did the right thing," said a 30-year-old executive interviewed in the latest survey. "I thought we were supporting a regime that could stand on its own. Now I don't feel this way."

A youthful employee of an electronics firm also expressed disillusionment. "It seems to me we went into Vietnam without thinking things out in advance. As the war went on, it became apparent that we weren't in control of the situation."

But an office worker from Philadelphia feels no differently now than he did earlier in the war: "We did what we had to do—we are indirectly defending our own basic freedoms by being over there."

A total of 1,509 adults were interviewed in person in the survey which was conducted May 22–25 in more than 300 carefully selected localities.

Following is the question asked, the latest results and trend:

In view of the developments since we entered the fighting in Vietnam, do you think the U.S. made a mistake sending troops to fight in Vietnam?

	Yes (percent)	No (percent)	No opinion (percent
La test	56	36	8
April 3-5	51	34	15
January 16–18	57	33	10
September 1969	58	32	10
March 1969	52	39	9
1968			
August 1968	53	35	12
April 1968	48	40	12
March 1968	49	41	10
February 1968	46	42	12
1967			
December 1967	45	46	9
October 1967	46	44	10
July 1967	41	48	11
May 1967	37	50	13
February 1967	32	52	16
1966			
November 1966	31	51	18
September 1966	35	48	17
May 1966	36	49	15
March 1966	25	59	16
1965			
August 1965	24	61	15

KOREAN WAR TREND

In August, 1950, when the Korean war was two months old, a large majority of the American public said it had not been a mistake to enter the war.

Opinion changed sharply after Red China entered the fighting in the winter of 1950. The average citizen at that time felt that war against North Korea was one thing, but war against Red China with its armed hordes was quite another.

The trend of sentiment during the Korean war follows:

KOREA A MISTAKE?

[In percent]

	Yes	No	No opinion
August 1950	20	65	15
March 1951	50	39	11
April 1952	51	35	14
October 1952	43	37	20

CONFUSED CAMBODIAN CRISIS

Mr. CHURCH. Mr. President, not only are rank-and-file Americans confused about the Nixon policy in Southeast Asia, but academicians with gilt-edged credentials in the field of national security, are expressing their perplexity.

One such expression was contained in the Washington Post of June 28, 1970, in an article by Thomas C. Schelling, who has contributed much to the literature of American policy abroad, and Ernest R. May, dean of Harvard College.

The authors inquire:

Is this the last time we shall be asked in Indochina, to buy time with lives, to prove our nationhood by resort to sudden violence, to punish the enemy for warnings ignored, or to keep South Vietnam from being outflanked by Communist forces in Cambodia or Laos?

If present policy persists, I believe with the authors that it will not be the last time.

Both Messrs. Schelling and May believe our present course has led us to the edge of the precipice. I ask unanimous consent that their closely reasoned arguments embodied in the article be printed at this point in the RECORD.

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

THE NIXON REPORT ON CAMBODIA

(By Ernest R. May and Thomas C. Schelling)

Just before Cambodia, President Nixon totaled up prospective gains and losses on a yellow pad. Soon after June 30, he must add up results thus far and report to the public.

In earlier statements, he set forth at least four objectives: reducing American casualties, speeding troop withdrawals, influencing actions by North Vietnam, and protecting American prestige. When hearing his statement, we should bear in mind what he has said about these objectives.

First, the President said on April 30 and reiterated on May 8 that the operation "will reduce American casualties." Over 300 Americans have died in Cambodia. Undoubtedly, the President recognized that the offensive would entail higher casualties in the short run. But he has not explained how American lives have been saved over the long run. The Cambodian sanctuaries menaced the IV and III Corps Areas of South Vietnam. The former is already Vietnamized; the latter is to be Vietnamized by September. Did the President expect to save American lives because his Vietnamization plans call for sending U.S. troops back into combat whenever the South Vietnamese are hard pressed?

Second, the President pointed to a map on April 30 and said: "North Vietnam already occupies this part of Laos. If North Vietnam also occupied this whole band in Cambodia or the entire country, it would mean that South Vietnam was completely outflanked and the forces of Americans in this area as well as the South Vietnamese would be in an untenable military position." The President should explain how the Cambodian operation has reduced this danger. News reports tell of the Cambodians' inability to check the North Vietnamese. If U.S. troops, helicopters, and air support are withdrawn from Cambodia, what is to prevent the North Vietnamese from re-establishing the threat? Will the situation be more tenable in May, 1971, when the United States has 150,000 fewer troops in Vietnam? Are there grounds for confidence that the South Vietnamese can withstand next year a threat of "outflanking" that the President judged them unable to withstand this year?

Third, the President has predicted that the Cambodian operation will influence decisions by Hanoi. When announcing on April 20 his schedule for withdrawing 150,000 troops, he took occasion to "remind the leaders of North Vietnam that . . . they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos." When ordering action in Cambodia, he cited this warning, and on May 8, he observed that President Johnson had erred in escalating the war "step by step." Referring to the move into Cambodia, Mr. Nixon said, "This action is a decisive move, and this action also puts the enemy on warning that if it escalates while we are trying to de-escalate, we will move decisively and not step by step."

There must have been earlier signals to Hanoi. The President surely did not believe that Hanoi could reach a decision and have that decision carried out by field commanders within 10 days. But by June 30, 61 days will have passed since the President demonstrated that his words were not empty and that he was prepared to exercise his full powers as Commander-in-Chief even at the risk of a public storm at home. Is there evidence that the North Vietnamese have scaled down their operations in South Vietnam, Laos, or Cambodia. News reports suggest the contrary.

The President said earlier, "It is Hanoi, and Hanoi alone, that stands today blocking the path to a just peace for all the people of Southeast Asia." Has he had indication since April 30 that the North Vietnamese are more willing to bargain?

If the answers to both questions are negative—that is, if the North Vietnamese have not limited their operations or shown signs of negotiating—what is the next step? The President warned on June 3: "if their answers to our withdrawal program, and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action five weeks ago demonstrated, take strong and effective measures to deal with that situation." What "strong and effective measures" are available? Does the President contemplate renewed bombing of North Vietnam? Could a bombing campaign be more effective, militarily and politically, than that of 1965–68? Or does the President contemplate stepped-up ground force action? What happens then to casualty rates and to withdrawal?

Fourth, Mr. Nixon asserted that the action in Cambodia would work to restore American prestige and credibility elsewhere in the world. We asked on June 3: "If an American President had failed to meet this threat to 400,000 American men in Vietnam, would those nations and peoples who rely on America's power and treaty commitments for their security—in Latin America, Europe, the Middle East or other parts of Asia—retain any confidence in the United States?" The question was of course rhetorical, and White House officials conceded that many capitals reacted initially with alarm and misgiving. The President should indicate whether these attitudes have since changed and whether he sees in Europe, the Middle East, and Japan increased faith in the restraint, wisdom, and reliability of his administration.

There is a fifth criterion for judging the Cambodian operation. Admiral Smedberg quoted President Nixon as saying a few days before April 30, "I am not going to let Cambodia go down the drain." His remark on April 30 about the military untenability of South Vietnam should the Communists control "this whole band in Cambodia or the entire country" was consistent with such a position. On the other hand, he and Secretary Rogers have declared that the United States has no commitment to Cambodia. The President's forthcoming statement should clarify his stand.

If Cambodia now falls, will that event not arouse the same concern that the prospect of it apparently aroused in late April? Will not the President's credibility be at stake once again?

These are not all the questions that we hope to hear addressed. A crucial one is whether our allies, especially South Vietnam and Thailand, have incurred new commitments or adopted military goals that the United States is committed, directly or indirectly, to support. Is it American strategy that Allied troops—no Americans among them—remain deployed indefinitely in Cambodia, or is this an independent action of the South Vietnamese government? And, how far does our commitment extend if South Vietnam elects to defend Phnom Penh or other parts of Cambodia while our forces are waiting in South Vietnam to be relieved so they can be withdrawn? The President cannot be expected to bare his differences with South Vietnam in a public address; but as he has repeatedly used his statements to the American public to communicate the gravest warnings to Hanoi, he may wisely go on record at home to clarify his policy for Allied countries.

The President could also shed light on "Vietnamization." Does it mean that South Vietnamese forces must be able in any circumstances to defeat the Vietcong and North Vietnamese? Or does it admit the possibility of defeat in a Vietnamized area or in a Vietnamized South Vietnam? The President might indicate what he expects of the 240,000 U.S. troops that stay in Vietnam after May, 1971. Will they provide helicopter lift and air and artillery support? Will they fight off attacks on their own installations? What rate of casualties are they likely to suffer? Are their functions eventually to be Vietnamized? Over what time? If the North Vietnamese do not negotiate and if the South Vietnamese prove no stronger in the future than in the past, does the President nevertheless foresee a time when the United States can disengage from the war? Does ultimate withdrawal depend on permanent North Vietnamese fear of the "strong and effective measures" he has threatened?

It may be too much to hope now for answers to these longer-term questions. There ought, however, to be one further element in the summing-up. According to Stewart Alsop, the President noted on his yellow pad that the Cambodian operation would cause "deep divisions" at home. No doubt, these divisions were reinforced by the tragedies at Kent and Jackson. But does President Nixon now estimate that the benefits of the operation justified the damage to domestic peace and to faith in America? And is this the last time we shall be asked in Indochina, to buy time with lives, to prove our nationhood by resort to sudden violence, to punish the enemy for warnings ignored, or to keep South Vietnam from being outflanked by Communist forces in Cambodia or Laos?

MANGLED BY EVENTS

Mr. CHURCH. Mr. President, on April 1, the Cambodian Government issued the following statement:

Faithful to its policy of strict neutrality. Cambodia will never recognize the right of (American) hot pursuit to be exercised on its territory.

As the Washington Post correspondent, Laurence Stern, points out in his article of June 28, 1970,

For Cambodia, April Fool's Day never ended this year.

Mr. Stern then goes on to report:

Within a brief span of time—

That is, since American troops entered Cambodia in force on April 30, 1970—

the judgments of veteran diplomats in Phnom Penh and governments in faraway capitals have been overtaken and mangled by events.

The article also touches on aspects of our Cambodian misadventure that have not received the attention they deserve:

But during the eight-week American expeditionary blitz, the Vietnamese Communists will have made greater inroads into Cambodian territory than their forebears did in ten centuries of fierce ethnic warfare. And many Cambodians look with even an added hatred upon South Vietnamese soldiers who have come to liberate them from other Vietnamese.

Many worthwhile points are made in this news dispatch and, therefore, I ask unanimous consent that the entire article be printed in the RECORD at this point in my remarks.

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

CAMBODIA "SURPRISED ALL"

(By Laurence Stern)

"Faithful to its policy of strict neutrality, Cambodia will never recognize the right of

(American) hot pursuit to be exercised on its terrtory"—Cambodian government statement, April 1, 1970.

SAIGON, June 27—for Cambodia, April Fool's Day never ended this year.

Within a brief span of time, the decisions of its old ruler and its new ones have been harshly confounded by history. The judgments of veteran diplomats in Phnom Penh and governments in faraway capitals have been overtaken and mangled by events.

The secret cable sent from Phnom Penh to Washington shortly after the downfall of Prince Norodom Sihanouk last March 18 best expresses the mood of official consternation that has prevailed over Cambodia:

"Recent developments here have surprised all repeat all."

Sometime between now and Tuesday—the deadline for withdrawal of American ground troops from Cambodia—President Nixon is expected to reaffirm the success of the U.S. and South Vietnamese "border incursions," as the operations have delicately been described here.

But during the eight-week American expeditionary blitz, the Vietnamese Communists will have made greater inroads into Cambodian territory than their forebears did in 10 centuries of fierce ethnic warfare. And many Cambodians look with even an added hatred upon South Vietnamese soldiers who have come to liberate them from other Vietnamese.

FINDING COSVN

When President Nixon announced the intervention, he defined the objectives as destruction of the Communist sanctuaries and disruption of COSVN, Hanoi's Central Office for South Vietnam. COSVN endures, Communist troops have already re-entered some of the old sanctuaries, the long-run strategic value of the captured caches is still regarded by some military specialists here as unproven.

And now the prospect is that unless the United States continues to provide assistance in the form of weapons and proxy Southeast Asian warriors, the Phnom Penh government's writ will be hollower than ever.

If all this seems contradictory, it is wholly in keeping wth the tortuous course that heralded Cambodia's entry into the Indochinese war from its position of heavily ransomed immunity.

To one who has observed the process intermittently from inside Cambodia during the past three months, it has been like watching a marathon newsreel.

The plot began to unravel long before the "government of salvation" led by Lon Nol ousted Sihanouk and installed itself in Phnom Penh, vowing to expel the estimated 40,000 North Vietnamese and Vietcong from their border sanctuaries in Cambodia while preserving the nation's proclaimed policy of "neutrality."

Widely forgotten in the recent rush of events is the fact that Sihanouk himself had begun a determined political and diplomatic offensive to force the Vietnamese Communists from his country's soil.

As the war in Vietnam seemed to be winding down and the prospects of American withdrawal grew closer, Sihanouk viewed the North Vietnamese with rising apprehension.

The design of his diplomacy was increasingly friendly to an American presence in Southeast Asia that would serve as a foil—as he said publicly—to North Vietnamese and Chinese expansionism. Resumption of diplomatic relations with the United States nearly a year ago was a signal event in this pattern.

Though Sihanouk did not relent in his denunciations of American incursions into Cambodian territory by air and ground, it was an open secret here that U.S. intelligence operations were being conducted along the border sanctuary areas with the tacit consent of Phnom Penh. And some knowledgeable officials say that Sihanouk was often the personal beneficiary of that intelligence.

One of Sihanouk's least advertised thrusts against the Communists in Cambodia was to win the assent of the Chinese in cutting off the stream of weapons and supplies from the port of Sihanoukville (now Kompong Som) to the eastern sanctuaries and South Vietnam. The last such shipment was in July, 1969.

During a visit to Phnom Penh on March 12, less than a week before the coup, I spoke to a Western diplomat then regarded as one of the most experienced ambassadors in the local diplomatic community. The visit was one day after Cambodian student mobs sacked the embassies of North Vietnam and the Vietcong's Provisional Revolutionary Government.

"The best you can assume is that these demonstrations had Prince Sihanouk's complete approval," he said. "The Prince is completely serious about getting the North Vietnamese out of Cambodia. If the demonstrations didn't have his blessings, there has been a major political upheaval inside Cambodia."

The ambassador, unhappily for his career and professional standing, insisted in cables home up to the day of the coup that the prince was firmly in the saddle. But his view of Sihanouk's intention toward the Vietnamese in Cambodia was the prevailing one in the diplomatic community.

One of the most fatal misjudgments in the Cambodian debacle may have been Sihanouk's when he failed to return from Moscow the next day, March 13, to a welcoming reception of banners and delegations of boy scouts and school girls holding flowers. It was his last chance to return and restore control.

And so at the time he was overthrown, Sihanouk appears to have been engaged in a complicated gambit of initiatives designed to achieve the first manifest objective of the government that supplanted him.

It will never be possible to determine whether Sihanouk's convoluted style of chess playing would have succeeded. Some analysts insist that Cambodia would have been inevitably drawn into the war.

But it is beyond argument that the new government's strategies of ultimatum, invective and military action speedily engulfed Cambodia in the Indochina war. Political theorists will certainly argue over whether there was any alternative American policy than the automatic and unquestioning recognition it accorded the Lon Nol government.

On the night of the coup against Sihanouk, a Western diplomat kept a long-standing dinner engagement with several high-ranking members of the new government.

"They were extremely elated at the success of the coup and the mood was very buoyant that evening, I'll never forget," he related to me afterward.

"I remember asking them how they thought it would affect the situation on their border with the North Vietnamese. Oh, they told me, there would be no trouble. They were confident that the Cambodian army could handle the situation. Not one of them seemed to realize that they had let the genie out of the bottle."

In Saigon the news of the coup caught the American diplomatic-military establishment by surprise, as it did in Phnom Penh. U.S. contingency planners rushed to the drawing board, along with their counterparts in the Pentagon, State Department and White House.

But from Ambassador Bunker on down, the American response to the coup was studiously noncommital.

On March 31, responding to the growing glut of foreign newsmen in Phnom Penh, Lon Nol held a press conference. He still radiated confidence in the future of his country and government.

Cambodia, he said, would be able to resist any challenge to its sovereignty with its own army. "We have the necessary manpower," he said. There might be a need for arms and equipment in which case he would call upon "friendly countries."

Was there any possibility of a request for American troops? "Certainment pas—certainly not," the imperturbable general answered.

Within a week the eastern frontier of Cambodia began evaporating from under government authority town-by-town along Highway 1 leading to Saigon. At the same time there were unannounced visitations by American officers and South Vietnamese troops across the eastern and southern borders of Cambodia.

It was then that the tragi-comic spectacle of the Cambodian army began to emerge, an army that marched on boots and Chinese sneakers, that fought with Russian, Chinese and old British rifles, that rode in rusty French tanks and swooped about in weathered Russian and American flying machines.

They were fighting a Communist force that was not formidable in numbers or equipment. But it was disciplined, determined and combat-seasoned.

Theories flourished in Phnom Penh on the objectives of the Communist troops, which seemed to be the only limitation on their territorial gains. The most prevalent view was that they wanted to broaden the defense perimeter of their border sanctuaries.

Whatever the motives, the government lost more territory to the Communists in the next month than ever in the preceding 20 years of the Indochinese war. And real fear spread through Phnom Penh that the goal was to topple the Lon Nol government and install one friendly to deposed Prince Sihanouk, as well as to North Vietnam's interests in Cambodia.

Increasingly the hopes of the Lon Nol regime turned to the United States as their Southeast Asian neighbors failed to come through with pledges of help. Foreign Minister Yem Sambaur was calling American charge d'affaires Lloyd M. Rives almost daily. Each day Rives would shrug back.

On the battle front the Cambodian soldiers were full of what then seemed preposterous expectations of American support.

Three weeks later Washington and Saigon did provide B-52 strikes, air support and a combined invasion force of more than 50,000 American and South Vietnamese troops.

On the morning of May 1, Rives hurried in an embassy car to the residence of Lon Nol. His mission was to formally advise the prime minister of the American-South Vietnamese border incursion.

But the cable from Washington to Rives came at the last minute. By the time Rives pulled into Lon Nol's driveway, a throng of newsmen had assembled there. The president had finished speaking. The prime minister of Cambodia had learned about the American intervention on his radio.

"The prime minister took it gracefully," an embassy official ruefully related afterward.

"La Belle Amerique," a Cambodian major sang excitedly during the battle of Saang, a town half an hour's drive south of Phnom Penh. "Beautiful America will give us assistance. We need air support and B–52 bombers. We need radio equipment and 200,000 American soldiers like in Vietnam."

AMERICA'S LEADING ASIA SCHOLARS URGE AN END TO THE WAR

Mr. CHURCH. Mr. President, on May 26, a convocation of America's leading Asia scholars was held here in Washington. Its purpose was to urge an end to the war in Southeast Asia. It was organized by the Academic and Professional Alliance, a group of dedicated scholars interested in persuading our Nation's leaders to disengage, militarily, from Southeast Asia.

At the convocation, the following statement was signed by 1,726 scholars of

Asian studies from 227 colleges and universities in 39 States and Canada. All of the signatories are American citizens.

ASIA SCHOLARS TO END WAR STATEMENT

As scholars of Asian affairs we feel special responsibility to speak out against American intervention is Southeast Asia.

From our professional knowledge of Asia and our deep moral abhorrence of a war that destroys Asians and Americans alike, we are firmly convinced that United States intervention must be ended. This military intervention, if not terminated by Congressional action, can lead to an ever widening war in Asia and further deterioration in American society.

Also presented at the convocation were a series of papers dealing with a fallacy in American thinking about Southeast Asia. I ask unanimous consent that these be inserted in the RECORD at this point.

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

TEXT OF OPENING STATEMENT BY JOHN K. FAIRBANK

We Asian scholars live inside the American civilization, but looking outward. In our work we have had some glimpse of Asian realities—often quite different from American realities.

From this perspective, we have seen our country use its great power ignorantly, stupidly, relying on force and firepower, on machines, not on men and ideas.

We have seen our moral stature cut down by our own inhumanity, all the time with a deepening sense of humiliation that our America, the hope of mankind should now seem to be a chief menace to mankind, a leader somehow gone astray.

We see the over-development of our military establishment using up our national resources far beyond our needs for self-defense, creating an imbalance between the executive and legislative branches in policy formation.

We are determined to help those Senators and Congressmen who are reasserting the power of the Congress over our military budget.

This is an ad hoc meeting, a convocation or 'calling together' of Asia specialists from all over the country, organized by a group at Columbia. The meeting does not represent any continuing body nor does it claim to "represent" the Asia studies profession as a whole. Our aim today and tomorrow is to reach the Congress with ideas and 'nsights offered by Asia specialists as individuals.

The American people face an accelerating disaster in Indochina partly from sheer ignorance of the real complexities there. This ignorance has led us into misconceptions and miscalculations, for example:

That human psychology is different East of Suez, and that patriots there can be bombed into negotiating;

That a civil war in Asia is really "international aggression" if we sincerely believe it to be so;

That today in the area of nuclear stalemate, we can nevertheless win an old-fashioned "victory", and so on.

Our first speakers will, therefore, look at some of these fallacies in American thinking about Asia.

REVOLUTION IN ASIA: THE FALLACY OF THE SANCTITY OF STABILITY

(By Richard Pfeffer)

We have come to the nation's capital today to protest America's everwidening war in Indochina. We have come as scholars, citizens, and human beings, with the wish that our expertise, our influence, and our feelings will have some positive effect on the men who run our government, and particularly on the members of Congress. We have come, more specifically, in support of the Amendment to End the War and the Cooper-Church Amendment. We have come, more profoundly, in the hope that our political system is still capable of at least a minimal response—however incommensurate with the havoc and tragedy the United States has caused in Southeast Asia—to the public demand for an immediate end to these insane wars in Vietnam, Laos, and Cambodia.

But if we have come only for that purpose, then I fear that we have come to stop one set of wars only to allow another to begin or to escalate somewhere else in the near future. It is not enough that we make every effort to terminate America's warrior role in Indochina, though it certainly is important that we should do so. We must also seek to fundamentally transform America's foreign policy as a whole. To do that, we must begin, individually and collectively, to confront the frame of mind, the national arrogance, the paranoia, and the configuration of entrenched interests in our domestic politics that have led us repeatedly to arrogate to ourselves the right to determine the destinies of other people.

We must expose the meaning in practice of the righteous, liberal rhetoric of reform, economic development, and self-determination that too often has been translated abroad into an elitist, inhuman, and even fascistic reality. We must expose the men and groups who profit from our wars. (Who will deny that the benefits and costs of our wars are inequitably spread among our citizens? (We must expose the links, formal and informal, among various narrow groups, politicians, bureaucrats, and top decision makers. We must expose the lies and half-truths about our antagonists and the myths about ourselves and our allies. We must make it clear to our people and our government that America's wars are not crusades in which Good, self-assertedly represented by the United States, is locked in historic combat with Evil, represented by whomever we select as our enemy. We must seek to democratize and declassify our foreign policy, for surely nothing abroad threatens our nation so much as the irrational, closed, and narrowly self-serving quality of our decision making in foreign policy. In short, if we wish to transform America's imperialist, counter-revolutionary foreign policy, we must pursue a kind of revolution at home, a non-violent revolution if at all possible. It is no longer tolerable for the United States to vent its own economic, racial, and psychological problems on the rest of the world, either in the name of some elusive greater good or in the name of America's alleged national interest.

But if we are to commit ourselves to this political-educational struggle to revitalize American ideals and to expose the nightmarish quality of our leaders' perceptions of the world, then we must first understand the nature of the United States' role in international affairs. The United States today, in my view, is the world's foremost counter-revolutionary, imperial power. Five years ago I would have dismissed such a statement as pure cant, but Vietnam, Laos, and Cambodia have taught me otherwise. We have all began to awaken, rather late, to the overriding quality of United States policy around the world—in Brazil, in Greece, in the Philippines, at home. And if seemingly ideological words like "imperialist," "racist," and "puppet government" still grate somewhat on our ears, the sad fact remains, as recorded by Mary McCarthy, that in these matters "the truth, renamed by us 'propaganda,' has shifted to the other side."

It appears, moreover, that America is actively opposing in the Third World not only revolutions but also, in some sense, evolutions. If this is so, our counter-evolutionary policies seem to grow out of our counter-revolutionary policies, for America's profound antagonism to revolution has traumatized us regarding the potential implications of evolutionary developments that we do not control. Revolutions tend to be indiscriminately seen by us as Communist victories, and non-revolutionary, politically reformist, coalition-type developments, if they are not under our sponsorship and direction, tend to raise in our minds the specter of future revolutions. We fear indigenously produced, autonomous reform abroad as a catalyst of revolution. We are anxious that "the enemy" may exploit certain reforms for its own ends. The result is that the United States has increasingly painted itself into a corner, from which it attempts simultaneously to repress revolutions while discouraging significant political reforms that may provide the only conceivable alternative to violent revolution.

Vietnam and Laos are cases in point. Regarding Laos, it is well known, for example, that in the late 1950s and early 1960s the United States made great efforts to frustrate the 1957 coalition agreement between then-neutralist Souvanna Phouma and the leader of the Pathet Lao, Souphanouvong. We subsequently opposed a coup which restored Souvanna Phouma to power, and by backing right-wing army officer Phoumi Nosavan's march on the capital to overthrow the neutralists, we succeeded in transforming a coup into a civil war.

The record in Vietnam is even more incriminating. We have repeatedly—in the summer of 1964, in February of 1965, and in the spring of 1966, to name only a few examples—intervened on behalf of right-wing, hawkish cliques to preclude the development of broader-based coalitions in Saigon and to preempt by our military escalations domestic and international moves which threatened to bring peace to the area. And today, with the Thieu-Ky regime under renewed and severe political attack at home from students—all universities have been shut down by the Saigon regime—from Buddhists, war veterans, and others, the Nixon administration has initiated another diversionary escalation of the war by invading Cambodia.

We must stop this monstrous war now. We must give peace a chance. If there are high officials still silent in the Nixon administration who fervently oppose its war policies, we do not wish to hear about their disaffection three years from now in their best-selling memoirs. If a majority of our legislators in their hearts support amendments to force a prompt end to this war, they should overcome their reservations about embarrassing the President and stand up to be counted. If our political system is still capable of an effective response to our desperate plight, the time is now. The future of our country and, perhaps, of the world may well be at stake. And our future is too important to be left in the hands of one man.

ASIAN PEOPLES AND AMERICAN POLICY: THE FALLACY THAT FREE ASIA IS WITH US

(By Susanne Hoeber Rudolph)

To assert, as three administrations have done, that "Free Asia" is "with us" is to ignore the questions of who is free and what it means to be "with us". Generally, the less free Asian nations are, the more they tend to be with us; the more free they are, the less they tend to be with us.

By free nations I mean those whose governments are based on popular support, where possible in a context of open, competitive politics; those that build such support on social change and economic growth, recognizing in the process the increasing demands for distributive justice and for social and economic equality; and those that pursue relatively independent foreign policies, by avoiding becoming economic or military client states of a great power.

On the basis of these criteria is it difficult but not impossible to find a "free country" in Asia; the governments of Pakistan, India, Ceylon, Burma, Indonesia, Malayasia, and Singapore have avoided international clientelism more than the governments of Taiwan, Laos, Cambodia, South Korea, and Viet Nam. They differ among themselves with respect to many other criteria, but most of them qualify better than the American client states on many measures of freedom.

If we take these, then, as "free Asia", in the sense of not being dependent internationally we find that they are not "with us" in the sense of supporting our wars in Viet Nam or Cambodia. All of them welcomed the redefinition President Nixon was thought to have given to our Asian policies when he toured the area last year. He assured both India and Pakistan that the U.S. was turning away from policing the peace in Asia, that it would refrain from playing fire brigade in Asian civil wars. These assurances were most welcome and well-received.

When the Cambodian invasion suggested that the US was reverting to earlier definitions of its role, Prime Minister Indira Gandhi of India told her parliament that US intervention in Cambodia had aggravated the situation, extended the war, and threatened "danger to the whole of Asia." In Pakistan, the official newspaper *Dawn* doubted that the escalation would win the advantages America hoped for, interpreted the move as intervention in the civil war between the Lon Nol and Sihanouk governments in Cambodia, and thought it would undermine the credibility of US policy abroad. Indonesia, which has become increasingly linked to American interests, yet "regretted" the Cambodian invasion.

There are, of course, some exceptions to the generalization that the more free a people are, the less they are with us. The Japanese are an outstanding exception. But even in Japan, as in other countries where governments support the Indo-Chinese war, substantial elements oppose our policy. The Philippines are perhaps another "free" exception, although, by virtue of their great dependence on American economic ties, they are virtually a client state. They have not withdrawn their rhetorical support for the Indo-China war, but they did, last January, withdraw their engineering and medical batallion. The Philippine Congress refused to vote the funds for it.

But the main problem for most of these countries is that the American war in Indo-China contaminates the constructive role some of these countries would like the United States to play in Asia. Most of them do not, in fact, want America to exclude itself from concern with Asia. Some of them hope that, in foreign and defense policy, the US as well as the other two great powers, Russia and China, will in fact deter each other from the grossest forms of intervention in the area. In domestic affairs, some of them welcome American support for economic development when it does not lead to clientelism. India, the largest power in Asia outside of China, has counted in a general way on American interest in the area to act as a deterrent against renewed Chinese incursions and a possible source of aid if such incursions occurred.

But the US's potential for peace-making and development in Asia is hindered, not furthered, by the war in Indo-China. Instead America has become an active and interested force in the *internal* affairs of South-East Asian nations. America is seen as a military force aligned with bankrupt and despotic regimes in a series of civil wars; to modify Richard Pfeffer's useful phrase, the US is seen as a counter-evolutionary force. Neutralist regimes must inquire whether American influence or aid might require moves to the right; left oppositions invariably, and with some cause, assert that this is what American aid will mean.

In Viet Nam, Laos, and now Cambodia, American willingness to let itself be identified with the reactionary heavies has made it difficult for other Asian powers to allow even relatively distinterested American foreign policy influence or aid.

There is another hooker in the phrase "Free Asia". Americans tend to believe that communist governments and societies are always less free than non-communist ones. This is sometimes true and sometimes not, depending on the specific country. Yugoslavia, for example, is less a client state to Russia than Taiwan has been to the US, and her internal politics are characterized by more open dialogue than those of Taiwan. We have to transcend the clichés of the fifties sufficiently to recognize that a nationalist communist regime in South-East Asia, based on solid internal support, may be a "freer" state—freer of dependency on both the US and China—than some ineffectual or corrupt non-communist government whose main claim to survival rests on US guns.

"Free Asians" on the whole, then, see American involvement in Indo-China as blocking a constructive US role in Asia. Far from fearing that American withdrawal from Indo-China would leave Asia at the mercies of despotism or war, they welcome such withdrawal as freeing the US for a role on the side of social change, democracy and international security.

Vietnamization: The Fallacy of the Concept

(By David Mozingo)

"Vietnamization"—the Nixon administration's formula for gradually turning over the military and political burdens of the war to the Saigon regime—is not a new but an old and discredited solution to the conflict in Vietnam. The term was invented in 1947 not by the Americans but by the French who, from the very beginning of the Indochina war, recognized the absolute necessity of a native antidote to the Viet Minh and unsuccessfully tried to create a puppet state under Bao Dai.

Since the Americans took over from the French there have been, in fact, fifteen more unsuccessful attempts at Vietnamization. Every Saigon regime the United States has created and supported since 1955—from Diem to Thieu—is a milestone in this effort. Every concept from "agroville" to "strategic hamlet" to "Vietnamization" has been the latest label in the passing parade of meaningless names Washington has coined in its search for an anti-Communist force capable of claiming the mandate of Vietnamese nationalism. The central political and military fallacies in the Vietnamization scheme are the same ones that afflicted the policies of the French as well as Presidents Eisenhower, Kennedy, and Johnson. These fallacies are as evident and controlling today as they were fifteen years ago.

First — Vietnamization presupposes a broadly-based Saigon regime; otherwise the insurgents cannot be denied the basis of their political support and the government cannot muster sufficient loyalty to effectively resist rebellion. But the present military dictatorship cannot become more representative without yielding the substance of its power, which is political repression. To lift this repression would automatically lead to participation in the political process by those elements, nationalists, Buddhists, and Communists, whom the Saigon generals must continue to suppress in order to stay in power. For Vietnamization to become a reality would require the self-liquidation of the Thieu regime and no despotism has ever done this.

Second—Because it has so little domestic support, the very survival of the Thieu regime depends upon *preventing* Vietnamization, not supporting it. Hence, Saigon's leaders must continue to use any means to thwart, disrupt, subvert, or at least delay American withdrawal from the war. This is why Saigon has opposed a compromise peace settlement and steadfastly resisted United States pressures for reforms and greater South Vietnamese shouldering of the military burdens. Actually, continuance of the war and United States presence in Vietnam are the lifeblood of the Saigon establishment. No wonder General Thieu is overjoyed about the Cambodian invasion. This adventure has escalated the conflict and dragged America deeper into the quagmire—two conditions indispensable to the survival of his regime.

Third—In strictly military terms, Vietnamization means, for a long time to come, only the *partial*, not the complete, withdrawal of U.S. forces. The rate of our troop reductions is entirely dependent on the battlefield performance of the South Vietnamese army. Washington assumes this army can carry on the fight, backed up by U.S. artillery and air support, while our ground combat forces are gradually pulled out. If ARVN is unequal to the task, the whole strategy of gradual military withdrawal must collapse. And since the decisive issue is whether the South Vietnamese or the Communist armies prove to be the strongest, it is actually Hanoi and Saigon, not Washington, who will decide the fate of military Vietnamization.

Fourth—Washington was wrongly assumed that the Communist side could not design a counter-strategy to defeat Vietnamization. This assessment is based on the Nixon administration's tragic and disastrous mistake in buying—hook, line, and sinker—the outgoing Johnson administration view that the enemy's best military units were crippled during the 1968 Tet offensive and that, consequently, the ARVN could gradually win the war in South Vietnam. This is the assessment that was behind Washington's decision in 1969 to downgrade the Paris talks, to launch an offensive in Laos and, recently, to invade Cambodia to prevent the Lon Nol government from collapsing.

Strategically, the only hope for Vietnamization lay in confining the contest to South Vietnam. But by its own offensive action, the Nixon administration has played into the hands of the other side. As Hanoi's recent counter-offensive in Laos and her intervention in the Cambodian civil war have demonstrated, the Communist side's counter-strategy is to defeat Vietnamization by outflanking it. In short, not only has Vietnamization failed, but the United States has already taken the first step along the road to a third Indochina war.

Asian Studies and American Policy: The Fallacy of Non-Involvement

(By Felicia Oldfather)

We live in an imperialist nation—a nation committed to political and economic domination of Asia and to the use of overt political force to achieve these ends when other means fail. This is a policy which opposes itself to the revolutionary cry for social justice in much of the Third World.

As intellectuals, we bear heavy moral and academic burdens. Because we are human beings, we must stand on the side of the oppressed in the face of horrors inflicted upon our fellow-men—horrors inflicted in the wanton destruction of war and in the terror of the status quo. We must cling to the vision of a world without exploitation of man by man, a world where men are able to live freely and fully. The radical demand of this position is clear; imperialism must be ended at its source, and that source is not a comfortably far away place, but here at home.

For Asia scholars, defeating imperialism at home means a struggle within our own

profession, and within ourselves. To begin this effort we must know where we are now. It is patently false to claim that scholars have not been involved in American policy in Asia. Some have functioned as active assistants to this policy. In its most crass form, this was seen in the Michigan State project in Vietnam, where American "scholars" were involved in the training and management of the secret police force of Ngo Dinh Diem. More recently, we have discovered that the University of California, acting for a group of scholars in Thailand, signed an AID contract involving counterinsurgency research in Thailand. Also thanks to the largesse of AID, a center for Vietnamese Studies has been established at Southern Illinois University—a center which has definite programmatic orientation towards further American involvement in Vietnam.

These are blatant cases, but there are more subtle ways in which American scholars allow their expertise to be used by the government. Many serve on advisory panels to various government agencies. If one chooses to do so, he should understand his position well. Any illusion that he is going to change government policy in any substantive way should be dismissed. The government seeks and uses the kind of advice which suits its chosen policies. Beyond this, its use of the academic community is public relations, an excuse to expand government credibility and show how tolerant it is. Further, some scholars have chosen to trade their public dissent for a chance on inside influence. The government listens to their advice, ignores it, and is happy to be spared further *public* criticism of policy.

Many scholars now understand that Vietnam is no "tragic error." Rather, it is the natural consequence of America's efforts to control the future of Asia. It is for precisely this reason that we must move beyond Vietnam to discussion of American strategy for Asia. We must examine our policies in the rest of Southeast Asia, the Japanese Security Treaty, off-shore oil drilling in Indonesia, and the American effort to force more private investment on the Indian government. The real tragic error is the liberal illusion that a little advice can repair the mess. We must adopt a critical and suspicous posture towards government activity in Asia, and to any techniques for enlisting the support of American scholars in carrying them out. The reason for this stance, put simply, is that the government of the United States is not acting in our interest, nor in the interests of the people of the world.

We face a difficult task. The legacy of the McCarthy period and the Cold War has affected all of us. Like all Americans, Asia scholars are affected by the political climate of their time. Much scholarship on Asia has been based on assumptions of anti-communism, on the validity of containment theory, and on the notions of nation-building and modernization with the American way as the norm. This has meant the use of different vocabularies to describe "them" as opposed to "us" and a parallel double standard in evaluating our actions versus theirs. This doublethink, too, is involvement. The result has been that American scholarship on Asia has served, sometimes openly, sometimes in a more subtle fashion, to justify American policy abroad. Even critics of the war have often been trapped in the posture of criticizing it, while never doubting our right to interfere in the Vietnamese efforts at self-determination.

What is to be done? Many Asia scholars are now moving towards a healthy critical approach in their work. This will gradually enable us to clear our heads. But this is only the beginning. The critical question remains: how can we translate our ideas into effective political action and change our own society? This question demands more than the symbolic actions of signing petitions and rushing to a largely unresponsive Washington. These are useful actions, but cannot alone change American policy, not to mention America. In our own fields and departments, we must question sources of funding, methodology, and decision making. It is no wonder that our approaches to policy formation and political action are based on elitism, when elitism pervades the very structure of our profession. Outside of our tarnished ivory towers, we must move into the community at large. We must use our expertise where appropriate, taking opportunities to speak, not merely to elite gatherings, but to high schools, church groups, labor unions, and others. This means working with various elements fighting for change at home. We are now aware that justice at home and justice abroad will come together, if they are to come at all. We must thus join the growing movement committed to ending imperialism abroad and achieving social justice at home.

The demands that this presents are many. There are problems of time, of defining new kinds of scholarship, of understanding the present crisis at home and abroad, of scholarly integrity and critical intelligence, of university community. These are not easy problems, and there are no easy solutions. Yet we must live with these demands and move forward, for we have no choice.

MONOLITHIC COMMUNISM: THE FALLACY OF THE CHINA THREAT

(By Mark Mancall)

The American war in Southeast Asia, almost from the very beginning, has assumed a momentum of its own. The process of escalation may well have been more a response to American self-images, as so nakedly described by President Nixon in his speech on April 30, than to the reality of a threat from the Communist world in general or from Communist China in particular. This is especially evident in view of the fact that while America's justification of its war in Southeast Asia has passed through many verbal permutations in the last three administrations, it has hewn to one major theme: the threat of an aggressive Communist China and the need to contain it through the maintenance of a balance of power in that region. Moreover, it has insisted upon this theme despite the failure of reality to match Washington's expectations.

In March 1960 the then-Acting Assistant Secretary for Far Eastern Affairs informed the Senate Foreign Relations Committee that a "grave imbalance of power" existed in the Far East. "Our countervailing presence," he said, "redresses this imbalance," and he argued that any show of American weakness in the area would have "grievous effects." In his Baltimore speech of April 7, 1965, President Johnson made this same point more explicitly: "Over this war—and all Asia—is another reality: the deepening shadow of Communist China. . . . The contest in Vietnam is part of a wider pattern of aggressive purposes." And earlier this month, in a discussion with a group of visiting professors and students, Undersecretary of State Richardson used the same arguments of balance of power and continuation of the Communist threat to justify our actions in Vietnam and Cambodia. The persistence of this argument in the Nixon administration is reinforced by the President's own historical experience. The urbane and moderately conservative *London Economist* considers one of the most significant developments this month to be the fact that Mr. Nixon is viewing the Southeast Asian war increasingly in "Korea terms."

It would be logical to conclude, given this argument, that American escalation in Southeast Asia, particularly since 1964, took place either in response to an escalation of Chinese activities in the region or as a preemptive measure to prevent Chinese escalation. However, the Chinese have rather persistently spoken loudly but carried a small stick. They have always talked of support, not intervention. While no one would seriously question both Soviet and Chinese supply activities in support of Hanoi and the Vietcong, all the evidence points not to an escalation of direct Chinese military involvement in the war but, rather, to a probable decline of such involvement, which even in the beginning was minimal.

In the mid-'60s there were reports of some 40–50,000 Chinese support troops—mainly engineer units—in North Vietnam, engaged in the construction of roads and railways. These, however, were apparently withdrawn after the American bombing halt, sometime in late 1968 or early 1969, and there is no evidence that they have returned. There have been reports of between 6,000 and 20,000 Chinese troops in two northwestern Laotian provinces, but they are part of an agreement between Peking and the Royal Laotian Government for the construction of a highway; they are not there in direct response to American activities in the rest of the peninsula.

We can draw only one conclusion: the escalation of American involvement to well over 500,000 men was independent of any real Chinese threat in Indochina itself; nor did the Chinese respond at any time with a comparable influx of personnel into combat areas of North Vietnam, Laos, or Cambodia. The Chinese emphasis on support rather than direct action was reiterated quite distinctly by Chou En-lai at the banquet closing the Summit Conference of Indochinese Peoples at the end of April, when he said: "The 700 million Chinese people provide a powerful backing for the Vietnamese people; the vast expanse of China's territory is their reliable rear area." This was essentially a restatement of Lin Piao's position of 1965.

Nor can it be argued that the supposed "threat" in Indochina derives from a simple bipolar opposition between the "Communist" and the "Free" worlds. The Southeast Asian situation has been a constant bone of contention between Moscow and Peking. All the evidence indicates that Moscow and Peking have witnessed both internal conflicts over their respective Indochina policies and, more publicly, external conflicts between each other. Soviet policy has been guided by two contradictory objectives; first, the desire to reach a detente with the United States in international affairs, which required the minimization of the Indochina conflict; second, the desire to main Russian influence in the peninsula, which in turn required that Moscow extend its support to the North Vietnamese and the NLF. China's policy has been similarly conflicted. Peking has wanted to maximize her influence in the region while minimizing the possibility of a direct United States-China conflict. Both Moscow and Peking have competed for influence in Southeast Asia, a competition derived primarily from their own rivalries rather than from United States action. American escalation has continually taken place not because of the threat of Sino-Soviet unity but despite their disunity. This disunity has been reemphasized in recent days by Soviet failure to recognize Prince Sihanouk's effort to establish a "Government of National Unity" and Le Duan's inability to bring about a united Sino-Soviet policy in the face of the most recent American escalation.

It is often said that American interests in Indochina would be served by increased Soviet influence there, yet our latest escalation has apparently accomplished just the opposite. The Soviets may wish to keep their options open, even to the point of encouraging a diplomatic breakthrough, such as a new Geneva Conference, in order to avoid the possibility of defeat on the ground, but the recent Cambodian invasion apparently decreases the options available to China, which

sponsored the Summit Conference of Indochinese Peoples, where the Russians were conspicuous by their absence.

Consequently, even if one views China as a threat, our present policy is counterproductive. As Sidney Liu, the respected Hong Kong "China watcher," has pointed out: "If the U.S.'s drive into Cambodia fails to weaken and demoralize the enemy, the Communists' demands are certain to be hardened. . . . If it succeeds and North Vietnam is driven to the point of collapse, Peking may feel honorbound to send massive aid to Hanoi—either materiel or, as a last resort, troops." In the present situation, Sino-Soviet disunity and Moscow's consequent inability to exert a moderating influence on either Peking or Hanoi works to Washington's disadvantage, not its advantage. Disunity on the other side may pose a greater threat than unity.

The latest permutation of the "threat" thesis involves the Soviet Union in the Middle East. As laid out by James Reston, who alludes to the President's "foreign policy aides" as his source, the argument revolves around the thesis that we cannot appear to be weak "in one part of the world without encouraging Moscow to believe" that we "will be weak" in other, perhaps more dangerous, areas. It is commonly accepted in most sectors of American official and public opinion that our political, economic, and moral interests in the Middle East are vastly more important than those in Indochina. Recent months have witnessed a sharp increase in Soviet direct participation in the Middle Eastern struggle. In March, Soviet SAM-3 missiles arrived in Egypt with Soviet operational crews.

By the end of April it became evident that Soviet pilots were engaged at least in defensive operations in Egypt. On April 30, the same day that President Nixon made his Cambodia speech, he ordered a reevaluation of American policy in the Middle East and a reconsideration of the decision not to sell Israel 125 Phantom jets. By showing strength in Indochina through the Cambodian invasion, it is argued, Washington is establishing a posture of firmness as a warning to the USSR in the Middle East. If this is indeed the case, if our action in Cambodia is in any way perceived as a response, even in part, to a Soviet threat in the Middle East—and we cannot rule this out, given the Nixon doctrine of international politics—it may have misfired badly. As Senator Kennedy pointed out in a recent open letter to Joseph Alsop: "The longer we remain bogged down in Southeast Asia, with periodic escalation that only serves to involve us deeper, the more latitude the Soviet Union feels in her Middle East adventures." This would appear to be the very case. The New York Times reported on May 14 that new Soviet activity has greatly increased Russian military presence in Egypt.

Despite Washington's disclaimers to the contrary, the China "threat" is more apparent than real in Southeast Asia, which may help to explain the emergence of the new Middle East theory. This appears to be a war in search of its justification. The war controls policy, not policy the war. Consequently, shifting justifications cannot be used to rationalize continuation of a war that has come to dominate most facets of American foreign and domestic policy.

THE WAR AND THE FUTURE OF SOUTHEAST ASIA: THE FALLACY OF THE PHOENIX

(By Clifford Geertz)

We are more the victims of our preconceptions in South Vietnam than we are of objective circumstances. Among the most important of these preconceptions is the "technological optimism" which has marked our nation for virtually the whole course of its history. From the beginning, and certainly since the Civil War, we have celebrated our "know-how," prided ourselves on our ability, which is real enough, to apply advanced techniques to practical problems—to lay roadways, build bridges, construct dams, improve corn, assemble automobiles, erect housing projects. Our confidence in ourselves and in our future has rested in great part on a faith in "the technological fix," on the belief that whatever foolishness, greed, neglect, or mere accident might do, our advancing technology could, and rather quickly, undo. Like many other of our notions about ourselves, this consoling idea is in the process of being destroyed in Vietnam.

Redirected towards the outside world after 1945, our technological optimism took on the form of a similar optimism concerning the reconstructive powers of foreign aid, an optimism which the Marshall Plan recovery of Europe seemed brilliantly to justify. The agonies of the war itself could not be erased, but they could be contained in the past as a new Europe, a phoenix from the ashes, was built up on the ruins of the old. Small wonder that the same idea has appeared in our thinking about Vietnam—that there, too, once peace is reestablished, American know-how can assure the rapid reconstruction, and indeed advance, of Vietnamese society and civilization. Already good and talented men and agencies, foundations, and universities are laying the plans for correcting with our technological intelligence the havoc our political stupidity has wrought, and thus to extricate us from the consequences of our acts. That they will be successful this time—that Green Revolutions, Mekong Projects, and Rural Redevelopment Agencies, however, valuable in themselves (something I have no desire to deny) will have the kind of restorative effect in Southeast Asia that they had in Europe, that a phoenix can be made to rise from these ashes by the application of American knowledge, American wealth, and American energy is, however, more than a little doubtful. Here, for once, what we have done looks like in a fair way to staying done.

It is not merely that Vietnam is not Europe, and not Japan, and not even Korea—though some American policy makers do seem in need of constant reminder of that fact. It is that Vietnam, like the other new states of Southeast Asia, still lives, even as it seeks to modernize, on the resources of an old society which provides it not only with the base from which to change, but with the means, the desire, and the confidence to do so. And this society is in the process of being destroyed in South Vietnam, and now perhaps in Cambodia and Laos as well.

Reconstruction there, if that is even an appropriate word, is not a matter of rebuilding a shattered industrial system, but of restoring the possibility of collective life, and that no one yet, even an inventive American, quite knows how to do. Plant defoliation can—perhaps—be corrected by chemists and agronomists with their alms turned around; but just what can be done about cultural defoliation is much less clear. We do know how to build physical villages easily, quickly, and efficiently. But we don't know anything, nor (despite claims, some of them from my own profession, to the contrary) does anyone else, about how to build a social one, a community. And it is communities, and beyond them a civilization, not just physical villages, that are being torn apart in Vietnam.

It is of course true that much in Vietnamese society, as much in American, is not the sort of thing that anyone committed to humane values would wish to preserve. But there is precious little evidence for the theory that social progress is encouraged by militarily induced cultural traumas. Whether in Spain, Greece, or the American South, the more common result of such traumas seems to be the paralysis of social will for extended periods of time, an infolding neo-conservatism, haunted by the obsession that whatever happened in the past must not at whatever cost be allowed to reoccur.

Like individuals, civilizations which have been hurt at the core of their being seem to spend, for years thereafter, the bulk of their energies warding off the possibility, or even the intonations of the possibility, that they will be thus hurt again. The monument left behind by the American attempt to "win the hearts and minds of the Vietnamese people" seems more likely to be cultural paralysis than technological dynamism, joss stick fear than power station hope—the final irony in a situation which can scarcely sustain many more.

This time science—or more exactly, applied science—is not going to save us or anybody else. The mirage of an easy reconstruction in which American technology rebuilds a shattered Vietnam into a demonstration to Asians and, what is perhaps our deeper motive, to ourselves of the effectiveness and beneficence of our way of going about things is, even assuming that we obtain the sort of settlement that will permit us to try it (something that I would not like to lay money on), just that: a mirage. What is being created in Vietnam is a different kind of demonstration; a demonstration to Asians that if you are interested in preserving the essentials of your national identity and in building upon it to secure for yourselves a viable future, inviting great powers to do it for you is not an altogether rational policy; and a demonstration to Americans that if you are interested in preserving a faith in the virtue and promise of the American way, you are wise not to try to apply it to the effects of Seek and Destroy.

We are—not, of course, as the destruction of Hue suggests, without the help of our adversaries—building ruins in Vietnam. But not just physical ruins—spiritual ones. It is these which we will have to live with "after the war" in Vietnam, and no quantity of Potempkin villages is going to be able to shield that fact either from Asians or—though one should never underestimate the amnesic powers of the political mind—ourselves. It would seem best, then, that we cease forthwith to build them. It is not a phoenix that is going to rise for us from these ashes, but that more disturbing bird, the albatross.

VIETNAMIZATION—ANOTHER VIEW

Mr. CHURCH. Mr. President, the obfuscation enveloping American policy in Southeast Asia makes it difficult to know what the grand design of the Nixon administration really is—if there is a grand design. One astute columnist, Mr. Joseph Kraft, makes a game try at analyzing the most recent developments and, in so doing, suggests that President Nixon is pursuing a stick-it-out policy. In fact, Mr. Kraft writes:

> The President is withdrawing American troops from Vietnam not as rapidly as battlefield conditions will safely permit, but as slowly as domestic constraints will allow.

In executing this policy, it is suggested—

> It is going to be very difficult for Nixon now to exploit the narrow opportunities that exist for disengagement from a war that promises to go on and on and on.

This is a dismal forecast which accounts, in part, for the protracted Senate debate over American policy in Southeast Asia.

I ask unanimous consent that the Kraft column be printed in the RECORD at this point in my remarks.

There being no objection, the article

was ordered to be printed in the RECORD, as follows:

[From the Washington Post, June 21, 1970]

MR. NIXON'S WIN POLICY—GAP BETWEEN RHETORIC AND FACT MAKES CLEAR U.S. POLICY IS TO BEAT ENEMY ON GROUND

(By Joseph Kraft)

SAIGON.—The Cambodian venture was distinguished from the start by an enormous gap between what the President said and what actually happened. And veteran apologists for the Vietnam war have proclaimed that Mr. Nixon talked tough in order to justify a more rapid withdrawal from the war.

But a comparison of the President's rhetoric with the facts here in Saigon yields the opposite impression. Mr. Nixon stresses the most horrific dangers imaginable in order to gain time with the American public for application of what amounts to a win policy.

The President's most egregious distortions are to be found in his April 30 speech announcing the Cambodian operations. The underlying argument was that the incursion into Cambodia was necessary to prevent the enemy from taking advantage of American withdrawals to stage a massive offensive that would cause heavy American casualties, bring national humiliation to the United States, and expose South Vietnam to horrible massacres. Here, just to refresh the memory, are a couple of the more gamey examples.

The President said the enemy has been "concentrating main forces in the sanctuaries where they are building up to launch massive attacks on our forces." He spoke of "massive military aggression" by North Vietnam in Cambodia for the purpose of using that country as a "vast enemy staging ground and springboard for attacks on South Vietnam." Unless the intervention took place, he claimed, the enemy would "increase its attacks and humiliate and defeat us" which would "expose South Vietnamese to slaughter and savagery."

But this melodramatic vision of battle vast is about as true to real life as the lion played by Snug the Joiner in "Midsummer Night's Dream." The very notion of a large-scale enemy assault from Cambodia is dismissed in the highest military circles here with a barnyard epithet. The other side just doesn't and didn't, have the capability.

Almost all the best analysts here are agreed, moreover, that Communist strategy now emphasizes small unit guerrilla action rather than massive attacks.

An additional bit of important local evidence involves the stretch-out in American troop withdrawal sought by the American commander, Gen. Creighton Abrams, early in March. The reason for that request had little to do with Cambodia and the threat of an enemy offensive. What most concerned Gen. Abrams was that the enemy was showing strength in the northern part of this country, including the well-worn battlefields of Khesanh and the Ashau Valley.

Neither is the President's claim of a putative enemy offensive sustained by intelligence of enemy movements in Cambodia. Everybody in Saigon agrees that the other side suffered a setback when the ousting of Prince Sihanouk on March 18 brought to power a Cambodian government that closed down the enemy supply line through the port of Sihanoukville. Thereupon the Communist forces made various efforts—including military pressure on the new Cambodian government and a move to reopen a new supply line—to redeem the loss.

But there was no sign of any enemy move toward South Vietnam and American troops. Even if the other side had succeeded in immediately setting up a new supply line, it would have been far less efficient than the old route through Sihanoukville.

The gap between the facts and the President's rhetoric, to be sure, may not be a good base for moral judgment. But the distortion does reveal Mr. Nixon's true intentions. It identifies those he was trying to con. The intended victims were not Barry Goldwater, Strom Thurmond and the rest of the President's right-wing clientele. For Mr. Nixon does not have to read them lessons about the baleful malevolence of the Communists, and the danger of national humiliation.

On the contrary, the intended dupes were those of us who have been doubtful about the Vietnam war. The idea was to justify the Cambodian venture as a purely defensive measure. The aim was to smother anybody who might question the President's policy in public concern for the safety of American troops. And there lay the logic of Mr. Nixon's Pentagon denunciation of dissenting students as "bums."

But why should Mr. Nixon be so concerned to discredit the doves? The answer is that he is withdrawing American troops from Vietnam not as rapidly as battlefield conditions will safely permit, but as slowly as domestic constraints will allow. He and all his advisers in Saigon want American troops here to beat down the enemy as long and as hard as possible. They want to weaken the other side to the point where it will be possible for a pro-American, anti-Communist government to survive in South Vietnam. Without saying so, President Nixon has been going for what amounts to a win policy. And unless he changes that fundamental intent, it is going to be very difficult for him now to exploit the narrow opportunities that exist for disengagement from a war that promises to go on and on and on.

THE CAMBODIAN OPERATION—A MILITARY MISTAKE

Mr. CHURCH. Mr. President, the Nixon administration claims great success for the presidential decision to send American troops into Cambodia in late April. We have been given details of the rice and ammunition and other booty that the operation has captured. But there has been no acknowledgment of the larger deterioration in our position in Southeast Asia.

A column by Frank Mankiewicz and Tom Braden lists some of these setbacks. They include:

Item one—The Vietcong now control more of Laos than they did before the Cambodian invasion.

Item two—Generally, the American casualties in South Vietnam have remained about the same, despite the destruction of the sanctuaries.

Item three—Areas of Vietnam once believed pacified have fallen again to the Vietcong, now that the South Vietnamese are off in Cambodia fighting rather than defending their own homeland.

The listing of items is much longer in the column which appeared June 2, 1970 in The Washington Post, and, therefore, I ask unanimous consent that the complete column appear in the RECORD at this point in my remarks:

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

[From the Washington Post, June 2, 1970]

NIXON WILL TRY, BUT CAN'T DISGUISE THE FAILURE OF CAMBODIA OPERATION

(By Frank Mankiewicz and Tom Braden)

The President could not wait until the troops were out of Cambodia—he opted for an "interim report" this week. It will confirm that the purpose of the Cambodian invasion has become not to save the lives of American soliders but the face of American generals and the seats of Republican congressmen.

Mr. Nixon will list the weapons, the ammunition and the rice we have taken and destroyed. But the weapons and the ammunition can be replaced—by the Russians if necessary. The hundreds of Americans who will have died in Cambodia cannot. What cannot be avoided, once all the "success" language is cleared away, is that Cambodia was not only a political setback of major consequence for the administration, but a military failure as well.

Item: We do not even claim that the "central headquarters" for the Vietcong had been captured. On earlier offensives, such as Operation Cedar Falls and Operation Junction City in 1967, we reported it overrun, bunkers, communications equipment and all. This time, it seems to have passed to the control of the Scarlet Pimpernel and eluded us. No matter—six months after the last time we captured it the enemy launched the Tet offensive.

Item: Simultaneous leaks from what seems to be the same Pentagon source to selected newsmen last week indicate a major effort to mask the failure of Vietnamization which the Cambodian campaign revealed. In the first two weeks, while our casualties went sharply up, those of the South Vietnamese went as sharply down. Morale in the ARVN, it is reported, has never been higher. It is, apparently, an army which prefers bullying Cambodian civilians to fighting the Vietcong at home. It is no wonder that Thieu and Ky want to stay indefinitely.

Item: High South Vietnamese sources now say that the cost of remaining to "assist" the Cambodian army will run at the rate of $200 million. This is a heavy cost for the American taxpayer, who may not understand why he must pay the South Vietnamese to Cambodianize one war while still paying something on the order of $30 billion to Vietnamize the first one.

Item: Our military planners—anxious to take advantage of Prince Sihanouk's overthrow—ignored the historic hatred between the Vietnamese and the Cambodians. The report that Thai "volunteers" will defend Phnom Penh merely increases the problem. Thais are also unwelcome in Cambodia. Furthermore, one wonders how much we will pay to provide the Thai volunteers.

Item: The new Cambodian government has imposed martial law and will crack down on its own citizens, understandably restive over the presence of the South Vietnamese and—more important—over the fact that since the invasion the North Vietnamese have taken over a number of provincial capitals and have tightened their grip in the areas they already held.

Item: The ease with which the enemy seized and briefly held Dalat, South Vietnam's ninth largest city, over the weekend suggests just what Vietnamization has come to. Areas once thought pacified have fallen again to the Vietcong, now that the South Vietnamese are off in Cambodia improving their morale by fighting women and children.

Item: Since the fighting began in Cambodia, American casualties in South Vietnam have remained above the earlier "tolerable" level.

Item: The Vietcong now control more of Laos than they did before the Cambodian invasion.

The President's interim report may boost his popularity for a while. It may even nudge a senator or two to vote against the Cooper-Church amendment to stop funds for more operations in Cambodia. But the facts remain. "Vietnamization" was always doubtful—an army which would not fight with Americans was a poor bet to fight without them. Now, the failure is plain through all of Indochina. The generals have never known what this war was about and the President—

like his predecessor—had no reason to believe that they did.

ORDER OF BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. ALLEN obtained the floor.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. ALLEN. I yield.

Mr. BYRD of West Virginia. Mr. President, would the distinguished Senator mind delaying his remarks at this point? I ask this because under the order of Friday, it was agreed that no later than 11 a.m. today the Senate would consider the conference report on the second supplemental appropriation bill for 1970.

Mr. ALLEN. Mr. President, I ask unanimous consent that at the conclusion of the action on the conference report on the second supplemental appropriation bill, I be recognized for not to exceed 15 minutes.

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

Mr. BYRD of West Virginia. I thank the able Senator.

SECOND SUPPLEMENTAL APPROPRIATIONS, 1970—CONFERENCE REPORT

Mr. BYRD of West Virginia. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER (Mr. BAYH). The report will be read for the information of the Senate.

The assistant legislative clerk read the report, as follows:

CONFERENCE REPORT (H. REPT. No. 91-227)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 6, 14, 23, 40, 41, 42, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 5, 7, 8, 11, 17, 18, 19, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 44, 45, 46, 47, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59, and 60, and agree to the same.

Amendment numbered 3: That the House recede from its disagreement to the amendment of the Senate numbered 3, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert "$3,997,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows:

In lieu of the sum proposed by said amendment insert "$129,675"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *"$8,048,000"*; and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

In lieu of the sum named in said amendment insert *"$50,000,000"*; and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *"$4,500,000,000"*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 2, 10, 12, 13, 15, 16, 20, 22, 24, 50, 51, and 62.

ROBERT C. BYRD,
JOHN O. PASTORE,
SPESSARD L. HOLLAND,
ALLEN J. ELLENDER,
JOHN L. MCCLELLAN,
WARREN G. MAGNUSON,
JOHN STENNIS,
ROMAN L. HRUSKA,
MILTON R. YOUNG,
MARGARET CHASE SMITH,
Managers on the Part of the Senate.

GEORGE MAHON,
JAMIE L. WHITTEN,
JOE L. EVINS,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
TOM STEED,
JULIA BUTLER HANSEN,
CHARLES R. JONAS,
ELFORD CEDERBERG,
ROBERT H. MICHEL,
ODIN LANGEN,
Managers on the Part of the House.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

TITLE I

CHAPTER I—DEPARTMENT OF AGRICULTURE

Amendment No. 1: Provides $425,000 by transfer for "Extension Service, Cooperative extension work, payments, and expenses" as proposed by the Senate instead of $597,000 as proposed by the House.

Amendment No. 2: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate provision of $300,000,000 for the "Food stamp program," with an amendment changing the date for the availability of such funds to cover a four instead of a three-month period of time. Funds so provided are to be charged to the amount provided in the 1971 bill for this purpose, when enacted. The $300,000,000 does not necessarily have to be prorated over the four month period. These funds are required so that the food stamp program may be continued at about its current level pending enactment of authorizing legislation for the 1971 program, and the regular annual appropriation bill.

CHAPTER III—DISTRICT OF COLUMBIA

Amendment No. 3: Appropriates $3,997,000 for "Federal payment to the District of Columbia" instead of $5,831,000 as proposed by the Senate.

Amendment No. 4: Appropriates $129,675 for "General operating expenses" instead of $2,675 as proposed by the House and $174,675 as proposed by the Senate.

Amendment No. 5: Appropriates $3,966,485 for "Public safety" as proposed by the Senate instead of $2,370,500 as proposed by the House.

Amendment No. 6: Deletes appropriation of $1,789,000 for "Public safety" to assist in meeting costs associated with salary increases for policemen and firemen proposed by the Senate.

Amendment No. 7: Appropriates $171,750 for "Parks and recreation" as proposed by the Senate instead of $47,300 as proposed by the House.

Amendment No. 8: Appropriates $20,000 for "Settlement of claims and suits" as proposed by the Senate.

Amendment No. 9: Appropriates $8,048,000 for "Capital outlay" instead of $1,658,000 as proposed by the House and $8,768,000 as proposed by the Senate.

Amendment No. 10: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment with an amendment to provide that $318,000 shall be available for construction services instead of $374,500 as proposed by the Senate.

CHAPTER V—INDEPENDENT OFFICES

Amendment No. 11: Appropriates $157,816,600 for "Payment to Civil Service Retirement and Disability Fund" as proposed by the Senate.

Amendment No. 12: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate $371,000 for the General Services Administration for sites and expenses of a public buildings project at Aberdeen, Mississippi.

Amendment No. 13: Reported in disagreement. The managers on the part of the House will offer a motion to insist on disagreement to the amendment of the Senate which proposes to appropriate an additional $8,800,000 for the National Science Foundation for fiscal year 1970.

Amendment No. 14: Appropriates $7,000,000 for the "Selective Service System" as proposed by the House instead of $7,433,000 as proposed by the Senate.

Amendment No. 15: Reported in technical disagreement. The managers on the part of the House will offer a motion to appropriate $350,000 for the "Council of Environmental Quality and Office of Environmental Quality", instead of $100,000 as proposed by the House and $400,000 as proposed by the Senate.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Amendment No. 16: Reported in disagreement. The managers on the part of the House will offer a motion to insist on disagreement to the amendment of the Senate which proposes to appropriate an additional $587,500,000 for Urban Renewal Programs for fiscal year 1970.

CHAPTER VI—DEPARTMENT OF THE INTERIOR

Amendment No. 17: Appropriates $225,000 for "Geological Survey, surveys, investigations, and research" as proposed by the Senate.

Amendment No. 18: Appropriates $775,000 for "National Park Service, Management and

Protection" as proposed by the Senate instead of $850,000 as proposed by the House.

DEPARTMENT OF AGRICULTURE

Amendment No. 19: Appropriates $21,172,000 for "Forest Protection and Utilization, Forest Land Management" as proposed by the Senate instead of $21,000,000 as proposed by the House.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur with the Senate amendment which provides that $172,000 of funds appropriated for "Forest Land Management" shall remain available until expended.

CHAPTER VII—DEPARTMENT OF LABOR

Amendment No. 21: Appropriates $50,000,000 for "Manpower development and training activities" instead of $100,000,000 as proposed by the Senate.

Amendment No. 22: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to appropriate $2,330,000 for "Trade Adjustment Activities".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Amendment No. 23: Deletes item proposed by the Senate to appropriate $8,703,078 for "Hospital Modernization and Construction."

CHAPTER VIII—LEGISLATIVE BRANCH

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment to provide $345,000 for "Contingent expenses of the Senate, Inquiries and Investigations" by transfer from another Senate account.

CHAPTER X—DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, THE JUDICIARY AND RELATED AGENCIES

DEPARTMENT OF JUSTICE

Amendment No. 25: Appropriates $500,000 for "Fees and expenses of witnesses" as proposed by the Senate.

Amendment No. 26: Appropriates $850,000 for "Support of United States prisoners" as proposed by the Senate.

DEPARTMENT OF COMMERCE

Amendment No. 27: Appropriates $145,000 for "State marine schools" as proposed by the Senate.

RELATED AGENCIES

Amendment No. 28: Inserts title as proposed by the Senate.

CHAPTER XI—DEPARTMENT OF TRANSPORTATION

Amendment No. 29: Appropriates $1,000,000 for "Coast Guard, Retired Pay" as proposed by the Senate instead of $1,250,000 as proposed by the House.

CHAPTER XII—TREASURY DEPARTMENT

Amendment No. 30: Appropriates $1,300,000 for "Salaries and expenses, Bureau of Accounts" as proposed by the Senate.

Amendment No. 31: Appropriates $3,600-000 for the Bureau of the Public Debt for "Administering the public debt" as proposed by the Senate instead of $3,250,000 as proposed by the House.

POST OFFICE DEPARTMENT

Amendment No. 32: Apropriates $10,600,000 for "Transportation" as proposed by the Senate instead of $10,700,000 as proposed by the House.

TAX COURT OF THE UNITED STATES

Amendment No. 33: Appropriates $67,000 for the Tax Court of the United States as proposed by the Senate instead of $83,000 as proposed by the House.

CHAPTER XIII—CLAIMS AND JUDGMENTS

Amendments Nos. 34 and 35: Appropriate $23,478,461 for claims and judgments as proposed by the Senate instead of $6,591,406 as proposed by the House, including those in Senate Document Numbered 91–86.

TITLE II

INCREASED PAY COSTS

Amendment. No. 36: Appropriates $4,495,874 for various Senate items as proposed by the Senate.

Amendment No. 37: Appropriates $43,475 for "Joint Economic Committee" as proposed by the Senate instead of $44,490 as proposed by the House.

Amendment No. 38: Appropriates $146,300 for "Senate office buildings" and $3,400 for "Senate garage" as proposed by the Senate.

Amendment No. 39: Appropriates $502,500,000 for "Military personnel, Air Force" as proposed by the Senate instead of $485,000,000 as proposed by the House.

Amendment No. 40: Appropriates $196,480,000 for "Operation and maintenance, Army" as proposed by the House instead of $206,900,000 as proposed by the Senate.

Amendment No. 41: Appropriates $157,800,000 for "Operation and maintenance, Navy" as proposed by the House instead of $166,100,000 as proposed by the Senate.

Amendment No. 42: Appropriates $70,400,000 for "Operation and maintenance, Defense agencies" as proposed by the House instead of $74,200,000 as proposed by the Senate.

Amendment No. 43: Appropriates $13,800,000 for "Operation and maintenance, Army National Guard" as proposed by the House instead of $14,800,000 as proposed by the Senate.

Amendment No. 44: Appropriates $3,681,000 for the National Park Service, "Management and protection", as proposed by the Senate instead of $3,359,000 as proposed by the House.

Amendment No. 45: Increases by $55,000 the limitation on administrative expenses for the Federal Prison Industries, Incorporated, as proposed by the Senate.

Amendments Nos. 46, 47 and 48: Make technical language changes to change the format of items as proposed by the Senate.

Amendment No. 49: Appropriates $1,940,000 for "United States Secret Service" as proposed by the Senate instead of $1,740,000 as proposed by the House.

Amendment No. 50: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment making $200,000 for the U.S. Secret Service available upon enactment of H.R. 17138, or similar legislation, with an amendment changing the citation.

Amendment No. 51: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment providing $42,000 by transfer for "Salaries and expenses" of the Appalachian Regional Commission to cover increased pay costs.

(OUT OF DISTRICT OF COLUMBIA FUNDS)

Amendment No. 52: Appropriates $2,229,000 for "General operating expenses" as proposed by the Senate instead of $1,932,000 as proposed by the House.

Amendment No. 53: Appropriates $2,324,000 for "Public safety" as proposed by the Senate instead of $1,780,000 as proposed by the House.

Amendment No. 54: Appropriates $899,000 for "Parks and recreation" as proposed by the Senate instead of $652,000 as proposed by the House.

Amendment No. 55: Appropriates $4,624,000 for "Health and welfare" as proposed by the Senate instead of $4,478,000 as proposed by the House.

Amendment No. 56: Appropriates $1,905,000 for "Sanitary engineering" as proposed by the Senate instead of $1,096,000 as proposed by the House.

Amendments Nos. 57, 58, 59 and 60: Provide that $12,191,000 shall be paid from the general fund as proposed by the Senate instead of $10,332,000 as proposed by the House; $535,000 shall be paid from the highway fund (regular) as proposed by the Senate instead of $533,000 as proposed by the House; $468,000 shall be paid from the water fund as proposed by the Senate instead of $375,000 as proposed by the House; and $339,000 shall be paid from the sanitary sewage works fund as proposed by the Senate instead of $250,000 as proposed by the House.

TITLE V

LIMITATION ON FISCAL YEAR 1971 BUDGET OUTLAYS

Amendment No. 61: In connection with the overall government ceiling on fiscal 1971 budget outlays (expenditures and net lending), the House bill contained a $3,000,000,000 "cushion" for necessary expenditures beyond the estimates in the February 2 budget for certain designated uncontrollables (mainly interest on the debt, the various social insurance trust funds, and farm price supports). These are some of the items as to which the Congress is not required to act upon annually in the appropriations bills. The Senate raised this "cushion" for uncontrollable overruns to $6,000,000,000. The conferees have agreed upon $4,500,000,000.

TITLE VI

GENERAL PROVISIONS

Amendment No. 62: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the Senate amendment in order to validate obligations incurred between July 1, 1970, and 5 days following approval of the act.

GEORGE MAHON,
JAMIE L. WHITTEN,
JOE L. EVINS,
WILLIAM H. NATCHER,
DANIEL J. FLOOD,
TOM STEED,
JULIA BUTLER HANSEN,
CHARLES R. JONAS,
ELFORD CEDERBERG,
ROBERT H. MICHEL,
ODIN LANGEN,
Managers on the Part of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. BYRD of West Virginia. Mr. President, the printed conference report on the second supplemental appropriation bill, 1970, is available for examination by all of the Members. This bill has been pending for some time and, as you know, there is a detailed House report and a detailed Senate report available describing each item. It has been debated in both Houses extensively; consequently, I will confine my remarks to a brief summary of the important items contained in the conference report.

The Senate on June 22, when it passed this bill, included $300 million for the food stamp program, which amount is to be charged to the amount appropriated under this head in the Department of Agriculture appropriation bill when it is enacted. The Senate provided that these funds would be available for the period July 1, 1970, to September 30, 1970. Upon the suggestion of the managers on the part of the House, the amendment was rewritten in conference to provide that the funds would be available until October 31, 1970. The fact that the date was changed, extending the period by 1 month, does not in any way subtract from the amount which

could be used during an earlier month. The Department of Agriculture appropriation bill, as it passed the House of Representatives, contains $1,250,000,000 for this program, and the Senate Appropriations Committee is marking up this bill today. It can therefore reasonably be expected that it will pass the Senate in early July.

The Senate, on the motion of the distinguished majority leader, included in the bill $8.8 million for the National Science Foundation. The conferees on the part of the House were unwilling to recommend this or any part of this sum to the House; and the House of Representatives has now sustained their position. I see no alternative except for the Senate to recede on this amendment No. 13. However, I desire to advise the Senate that the sum of $8.8 million for this same agency has been included in the independent offices appropriation bill, which has already been reported to the Senate.

Mr. PASTORE. Mr. President, will the Senator from West Virginia yield at that point?

Mr. BYRD of West Virginia. I yield.

Mr. PASTORE. The budget estimate for the National Science Foundation for fiscal 1971 was $511 million. The House cut it by $16 million. The Senate had quite a conference on it, in our own committee, in executive session, and it was the consensus that if the $8.8 million was based on the supplemental bill, that amount would be deducted from the reclama—in other words, we would not reclaim the $16 million but would reclaim the difference between the $8.8 million and the $16 million. That was the consensus. No vote was taken. That is what would have happened. So if this had passed, what we have put back on the National Science Foundation covers this amount. If this had passed we would have deducted it from the $16 million. I do not think there will be any trouble with it at all.

Mr. MANSFIELD. If the Senator will yield, I appreciate the explanation given by both the chairman of the supplemental subcommittee and the Senator from Rhode Island (Mr. PASTORE). I had hoped, as a symbol to the research and academic community of the good faith and good intent of the Congress, that we could have separately inserted into the supplemental bill this year the relatively small amount of research funds eliminated directly by the implementation of section 203 of the Military Procurement Act of 1970; the important fact however is that the Senate has demonstrated by the initial passage of this $8.8 million its desire to follow through on the thrust of section 203 and to assure that funds eliminated by section 203 will be added to the National Science Foundation in the appropriation for this coming year; I understand fully how this amendment was caught in the vise along with the other Senate amendment adding funds for urban renewal. I know how sincerely and diligently the Senate conferees on both sides of the Senate aisle fought for the item. But in view of the House action taking a specific and separate vote by the full House rejecting overwhelmingly first the urban renewal funds added by the Senate and then by a voice vote rejecting this amendment for NSF we have to accept that parliamentary reality. But I am reassured by the fact that the independent offices appropriations for the coming year will come before the Senate next week, and the issue of the National Science Foundation appropriations will be again before the Senate. With the effort made by the Senate on this amendment, and the assurances of the chairman of that subcommittee (Mr. PASTORE), a most responsible attitude is assured that the appropriate amount of additional funds will be added to NSF not only to account for those affected by section 203 but hopefully as well to account in addition for those funds eliminated for general budgetary reasons by other mission agencies for basic research during the past year.

Mr. PASTORE. The conferees of the Senate agreed with the position of the majority leader and the manager of the conference. The Senator from West Virginia actually exhausted himself trying to get it restored. However, we were hitting our heads up against a stone wall. We did the best we could.

Mr. MANSFIELD. I have every confidence in the distinguished Senator from West Virginia (Mr. BYRD), and I also have every confidence in the members of the conference committee representing the Senate, both Democrats and Republicans. I know that they did their best. I have no complaint with their efforts. We tried. I do not consider their efforts a failure; rather, the issue has been postponed for the time being. Hopefully, it will be before the Senate within a week and our efforts will be successful the next time.

Mr. BYRD of West Virginia. I thank the distinguished majority leader and I also thank the able Senator from Rhode Island (Mr. PASTORE). The purposes as outlined by the majority leader will be accomplished.

There was considerable interest in the Senate the other evening on the appropriation for the Council on Environmental Quality and Office of Environmental Quality. The Committee on Appropriations had recommended an appropriation of $200,000 and the Senate saw fit to increase the amount to $400,000. During the conference, we agreed with the House that an appropriation of $350,000 would be available to this Council.

One of the most controversial items in this bill was the $587,500,000 for urban renewal programs. This sum was included in the bill in the Senate on a rollcall vote of 70–12. The House managers were adamant in their position, as were the Senate conferees, and the amendment was in actual disagreement. The House has now rejected, on a vote of 236 to 136, to concur in the amendment of the Senate, so I see no alternative but that the Senate recede from its amendment No. 16.

I have discussed this with the Senator from Rhode Island and he may wish me to yield to him at this point for whatever comments he may wish to make.

Mr. PASTORE. Yes, if the Senator will yield, there is a sense of agony which I experience when I speak on this subject because, first of all, I remember during the last session of Congress that this question came up, as to picking up the remainder of the authorization for fiscal year 1970, which was $587.5 million. We took a vote at that time, and what we actually did by the vote, we postponed consideration of this until the next supplement bill. Then, on my amendment, we put the $587.5 million back in the bill. I thought the Senate did the right thing. I am taking the position today, rather reluctantly, being pragmatic about it, that there is no other alternative we can take. The House has spoken. A great injustice has been dealt the cities.

We have been talking about the decay in the cities and giving them a new face. Many of the mayors appeared before the committee to discuss the regular bill and said that if we funded the authorizations up to their full extent, there would be no question in their minds that within a period of 5 years we would eliminate the ghettos from this country. Well, that became a subject of laughability in the conference, for some reason which I cannot understand. But, be that as it may, I insisted that they bring it back in disagreement, in the hope that we could reach the mayors' interest and get them before the committee again so that they could give us their advice. I do not know how far or how effective the committee went, but if we are not able to convince them now—they have been already fortified by a vote of a 100 majority—I do not see how we could ever have it restored, but we have the other weapon at our disposal. The committee, in the regular bill, reported $300 million over and above the estimate, which is $1 billion, which was passed by the House for fiscal year 1971. There is remaining in the authorization for fiscal year 1971 $700 million, which means $400 million can be added on to the $300 million that has been added on. Now, what experience we will have in conference, even if that happens, I do not know.

I do want to say that I sincerely hope that regardless of what we do, the mayors who were so convincing before our committee in encouraging us to add $587.5 million, speak to their own representatives who voted against the increase. And if they cannot do that, I do not see how we can do it.

After all, we are the judges and the masters of our own consciences and of our own action. We cannot govern the activity of the House. The House has spoken. The House has disagreed with us. The conference has disagreed with us.

It was, I repeat, as though we were hitting our heads up against a stone wall. That action has now been fortified by the action of the House with a majority of 100 votes.

One thing that I loath to do is to get myself involved in exercises of futility. That is what this would amount to.

So, with a sad heart and in a spirit of agony, I say that we should forget this and try it again the next time.

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

Mr. BYRD of West Virginia. Mr. President, how much time remains?

The PRESIDING OFFICER. The Sen-

ator from West Virginia has 5 minutes remaining.

Mr. BYRD of West Virginia. Mr. President, would the Senator from New York allow me to finish my statement.

Mr. JAVITS. Mr. President, my remarks properly would come at this point.

Mr. BYRD of West Virginia. Very well.

Mr. JAVITS. Mr. President, it is amazing to me that we have an urban country and a rural House of Representatives. That is what it comes down to.

The House appears to be absolutely without knowledge concerning the problems of the cities both large and small and the fact that these tangible improvements are not inflationary. They add to the wealth of the country.

What is dragging our country down at this time is that construction has fallen off markedly.

I pay tribute to the Senator from Rhode Island (Mr. PASTORE) and to the conferees. They all demonstrated very strong support and would not agree with the House position. However, the House had the votes to insist on its disagreement. No fault is to be found on the part of the conferees.

The Senator from Michigan (Mr. HART) and I feel that we must seek the whole amount which is authorized for urban renewal, $2.287.5 billion which would require an additional $987.5 million to be added to the 1971 bill.

The PRESIDING OFFICER (Mr. BAYH). The time of the Senator has expired.

Mr. HRUSKA. Mr. President, I yield 2 minutes to the distinguished Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for an additional 2 minutes.

Mr. JAVITS. Mr. President, I know that the Senator from Rhode Island (Mr. PASTORE) will be stalwart in whatever he can do on this issue in the 1971 bill.

Finally, we feel that it is our duty to try to secure the full authorization for urban renewal.

Mr. PASTORE. Mr. President, in reply to the Senator, I wish to state that it is true that there is more of a rural aspect to the House than to the Senate. But there were conferees in that conference that did not have projects for their localities submitted or funded. That did not affect them.

I say to the mayors who live in the congressional districts represented by these Representatives that if they cannot convince their Congressmen what it means for their hometowns, I am afraid that I am wasting my time.

Mr. JAVITS. Mr. President, I agree. The House action was a tragic thing. I thank the Senator from West Virginia for his courtesy in yielding.

Mr. BYRD of West Virginia. Mr. President, the Committee on Appropriations had originally recommended the sum of $50 million for the manpower development and training activities, usually referred to as the summer jobs program, and the Senate on last Monday evening increased the sum to $100 million. The able Senator from New York (Mr. JAVITS) offered the amendment to increase the amount by $50 million. The Senate committee approved of the amendment and the Senate agreed to the amendment. The Senate conferees were faced with the adamant position of the managers on the part of the House that the sum should not exceed the amount of the budget estimate and, consequently, we agreed to recommend to the Senate $50 million for this program.

I regret to advise the Senate that the $8,703,078 included in the bill by the Senate committee, and approved by the Senate, for hospital modernization and construction had to be deleted from the bill. The managers on the part of the House were vigorously opposed to this amendment, pointing out that the sum was to be used without regard to title VI of the Public Health Service Act, and we were faced with no alternative other than to recede.

Mr. President, I believe these are the major items in the conference report. I ask unanimous consent to have a tabulation which gives the full details printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. BYRD of West Virginia. Mr. President, I think it should be of interest to Senators to note that the final conference action on this bill amounts to $6,021,535,005.

The budget estimate was in the amount of $6,580,171,902.

So the final action is something like $558 million under the budget estimate.

EXHIBIT 1.—2D SUPPLEMENTAL APPROPRIATION BILL, 1970 (H.R. 17399)

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	TITLE I—GENERAL SUPPLEMENTALS				
	CHAPTER I—DEPARTMENT OF AGRICULTURE				
	Extension Service				
91-272	Cooperative Extension work, payments and expenses (by transfer)	($597,000)	($597,000)	($425,000)	($425,000)
----------	Food and Nutrition Service food stamp program			(300,000,000)	(300,000,000)
	CHAPTER II—DEPARTMENT OF DEFENSE—MILITARY				
	Retired Military Personnel				
91-272	Retired pay, Defense, new budget (obligational) authority	99,000,000	99,000,000	99,000,000	99,000,000
	CHAPTER III—DISTRICT OF COLUMBIA				
	Federal Funds				
91-288 and S. Doc. 91-82	Federal payment to District of Columbia	5,831,000	----------	5,831,000	3,997,000
91-272	Loans to the District of Columbia for capital outlay	1,293,000	1,293,000	1,293,000	1,293,000
	Total, Federal funds	7,124,000	1,293,000	7,124,000	5,290,000
	District of Columbia Funds				
91-288 and S. Doc. 91-82	General operating expenses	(202,000)	(2,675)	(174,675)	(129,675)
91-288 and S. Doc. 91-82	Public Safety	(6,892,000)	(2,370,000)	(5,755,485)	(3,966,485)
91-288	Education	(2,500,000)	----------	----------	----------
91-288 and S. Doc. 91-82	Parks and recreation	(234,000)	(47,300)	(171,750)	(171,750)
S. Doc. 91-82	Health and welfare	(2,850,000)	----------	----------	----------
S. Doc. 91-82	Settlement of claims and suits	(20,000)	----------	(20,000)	(20,000)
91-272, 91-288, and S. Doc. 91-82	Capital outlay	(8,768,000)	(1,658,000)	(8,768,000)	(8,048,000)
	Total, District of Columbia funds	(21,466,000)	(4,078,475)	(14,889,910)	(12,335,910)
	Total, chapter III, new budget (obligational) authority	7,124,000	1,293,000	7,124,000	5,290,000
	CHAPTER IV—FOREIGN OPERATIONS				
	Funds appropriated to the President				
	Foreign assistance				
S. Doc. 91-67	Foreign military credit sales	275,000,000	----------	----------	----------

Footnotes at end of table.

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	Peace Corps				
91-272	Salaries and expenses (increase in limitation)	($349,000)			
	International Financial Institution				
91-272	Investment in Inter-American Development Bank	205,880,000	$205,880,000	$205,880,000	$205,880,000
	Total, chapter IV, new budget (obligational) authority	480,880,000	205,880,000	205,880,000	205,880,000
	Increase in limitation	(349,000)			
	CHAPTER V—INDEPENDENT OFFICES				
	Civil Service Commission				
91-306	Federal Labor Relations Council: Salaries and expenses	Language	Language	Language	Language
S. Doc. 91-84	Payment to Civil Service retirement and disability fund	157,816,600		157,816,600	157,816,600
	Commission on population growth and the American future				
91-273	Salaries and expenses	1,433,000	965,000	965,000	965,000
	General Services Administration				
	Real property activities				
S. Doc. 91-67	Sites and expenses, public buildings projects	371,000		371,000	371,000
	National Science Foundation				
	Salaries and expenses			8,800,000	
	Selective Service System				
91-272	Salaries and expenses	7,433,000	7,000,000	7,433,000	7,000,000
	Veterans' Administration				
91-272	Compensation and pensions	273,045,000	273,045,000	273,045,000	273,045,000
91-272	Readjustment benefits	330,500,000	327,500,000	327,500,000	327,500,000
91-312 91-272 1-293	Medical care	106,500,000	113,500,000	113,500,000	113,500,000
	Total, Veterans' Administration	710,045,000	714,045,000	714,045,000	714,045,000
	Executive Office of the President				
	Council on Environmental Quality and Office of Environmental Quality				
S. Doc. 91-67	Salaries and expenses	600,000	100,000	400,000	350,000
	Funds appropriated to the President				
91-272	Disaster Relief	100,000,000	75,000,000	75,000,000	75,000,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT				
	Renewal and housing assistance				
	Urban renewal programs			587,500,000	
91-272	Low rent public housing annual contributions:				
	1969	13,616,000	13,616,000	13,616,000	13,616,000
	1970	6,500,000			
91-272	College Housing (annual contract authorization, increase in limitation)	(5,500,000)	(5,000,000)	(5,000,000)	(5,000,000)
	Mortgage credit				
91-273	Homeownership and rental housing assistance (annual contract authorizations, increase in limitation):				
	Homeownership assistance	(25,000,000)	(35,000,000)	(35,000,000)	(35,000,000)
	Rental housing assistance	(25,000,000)	(35,000,000)	(35,000,000)	(35,000,000)
	Total, Department of Housing and Urban Development:				
	1969	13,616,000	13,616,000	13,616,000	13,616,000
	1970	6,500,000		587,500,000	
	Total	20,116,000	13,616,000	601,116,000	13,616,000
	New annual contract authorization, increase in limitation	(55,500,000)	(75,000,000)	(57,000,000)	(75,000,000)
	Total, chapter V:				
	New budget (obligational) authority:				
	1969	13,616,000	13,616,000	13,616,000	13,616,000
	1970	984,198,600	797,110,000	1,552,330,600	955,547,600
	Total	997,814,600	810,726,000	1,565,946,600	969,163,600
	New annual contract authorization, increase in limitation	(55,500,000)	(75,000,000)	(75,000,000)	(75,000,000)
	CHAPTER VI—DEPARTMENT OF THE INTERIOR				
	Public Land Management				
	Bureau of Land Management				
91-272	Management of lands and resources	23,790,000	23,790,000	23,790,000	23,790,000
	Bureau of Indian Affairs				
91-272	Resources management	700,000	700,000	700,000	700,000
	Bureau of Outdoor Recreation				
91-272	Land and water conservation	7,100,000	7,100,000	7,100,000	7,100,000
	Office of Territories				
91-272	Administration of territories	275,000	275,000	275,000	275,000
	Mineral Resources				
	Geological Survey				
S. Doc. 91-67	Surveys, investigations and research	300,000		225,000	225,000
	Fish and Wildlife, Parks, and Marine Resources				
	National Park Service				
91-272	Management and protection	850,000	850,000	775,000	775,000

Footnotes at end of table.

EXHIBIT 1.—2D SUPPLEMENTAL APPROPRIATION BILL, 1970 (H.R. 17399)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	TITLE I—GENERAL SUPPLEMENTALS—Continued				
	CHAPTER VI—DEPARTMENT OF THE INTERIOR—Continued				
	RELATED AGENCIES—DEPARTMENT OF AGRICULTURE				
	Forest Service				
91-272	Forest protection and utilization	$21,000,000	$21,000,000	$21,172,000	$21,172,000
	National Foundation on the Arts and the Humanities				
91-272	Salaries and expenses	2,000,000	2,000,000	2,000,000	2,000,000
	Total, chapter VI, new budget (obligational) authority	56,015,000	55,715,000	56,037,000	56,037,000
	CHAPTER VII—DEPARTMENT OF LABOR				
	Manpower Administration				
S. Doc. 91-89	Manpower development and training activities	50,000,000	----------	100,000,000	50,000,000
	Bureau of Employment Security				
91-272	Unemployment compensation for Federal employees and ex-servicemen	50,000,000	50,000,000	50,000,000	50,000,000
S. Doc. 91-67	Trade adjustment activities	2,330,000	----------	2,330,000	2,330,000
91-272	Limitation on grants to States for unemployment compensation and employment service administration	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	Wage and Labor Standards Administration				
91-272	Salaries and expenses	37,000	37,000	37,000	37,000
	Longshoremen's and harbor workers' compensation fund (by transfer)	(43,000)	(43,000)	(43,000)	(43,000)
	Office of the Secretary				
91-272	Federal contract compliance and civil rights program, salaries and expenses	160,000	107,000	107,000	107,000
	Total, Department of Labor	102,527,000	50,144,000	152,474,000	102,474,000
	By transfer	(43,000)	(43,000)	(43,000)	(43,000)
	Limitation (trust fund)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Health Services and Mental Health Administration				
	Hospital construction	----------	----------	8,703,078	----------
	Office of Education				
S. Doc. 91-83	Emergency school assistance	150,000,000	----------	----------	----------
	Social and Rehabilitation Service				
91-272	Grants to States for public assistance	146,753,000	146,753,000	146,753,000	146,753,000
	Special Institutions				
91-272	Howard University, construction	7,700,000	7,700,000	7,700,000	7,700,000
	Total, Department of Health, Education, and Welfare	304,453,000	154,453,000	163,156,078	154,453,000
	Total, chapter VII:				
	New budget (obligational) authority	406,980,000	204,597,000	315,630,078	256,927,000
	By transfer	(43,000)	(43,000)	(43,000)	(43,000)
	Limitation (trust fund)	(10,000,000)	(10,000,000)	(10,000,000)	(10,000,000)
	CHAPTER VIII—LEGISLATIVE BRANCH				
	Senate				
	Contingent expenses				
	Expenses of inquiries and investigations (by transfer)	----------	----------	(345,000)	(345,000)
	House of Representatives				
	Salaries, mileage for the Members, and expense allowance of the Speaker				
91-272	Compensation of Members	47,000	47,000	47,000	47,000
	Salaries, officers and employees				
91-306	Committee on Appropriations (investigations)	35,555	35,555	35,555	35,555
	Contingent expenses of the House				
91-306	Miscellaneous items	50,000	50,000	50,000	50,000
91-272	Special and select committees	500,000	100,000	100,000	100,000
	Total, House of Representatives	632,555	232,555	232,555	232,555
	General Accounting Office				
91-272	Salaries and expenses	499,000	499,000	499,000	499,000
	Total, chapter VIII, new budget (obligational) authority	1,131,555	731,555	731,555	731,555
	By transfer	----------	----------	(345,000)	(345,000)
	CHAPTER IX—PUBLIC WORKS				
	DEPARTMENT OF THE INTERIOR				
	Bureau of Reclamation				
91-306	Colorado River Basin project (by transfer)	(6,563,000)	(6,563,000)	(6,563,000)	(6,563,000)
	CHAPTER X—DEPARTMENT OF STATE				
	International Organizations and Conferences				
91-272	Contributions to international organizations	1,800,000	1,600,000	1,600,000	1,600,000

Footnotes at end of table.

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	DEPARTMENT OF JUSTICE				
	Legal Activities and General Administration				
S. Doc. 91-67	Fees and expenses of witnesses	$500,000		$500,000	$500,000
	Immigration and Naturalization Service				
91-272	Salaries and expenses	892,000	$892,000	892,000	892,000
	Federal Prison System				
S. Doc. 91-67	Support of U.S. prisoners	850,000		850,000	850,000
	Total, Department of Justice	2,242,000	892,000	2,242,000	2,242,000
	DEPARTMENT OF COMMERCE				
	Bureau of the Census				
91-272	19th decennial census	11,000,000	11,000,000	11,000,000	11,000,000
	Office of Field Services				
91-272	Salaries and expenses	105,000	105,000	105,000	105,000
	Maritime Administration				
S. Doc. 91-67	State marine schools	145,000		145,000	145,000
	Total, Department of Commerce	11,250,000	11,105,000	11,250,000	11,250,000
	THE JUDICIARY				
	Customs Court				
91-272	Salaries and expenses	60,500	18,000	18,000	18,000
	Courts of Appeals, District Courts, and Other Judicial Services				
91-272	Salaries and expenses, United States magistrates	560,000	550,000	550,000	550,000
91-272	Salaries of supporting personnel	145,000			
	Fees and expenses of court-appointed counsel:				
91-272	1970	1,150,000	1,150,000	1,150,000	1,150,000
91-273	1969	300,000	300,000	300,000	300,000
91-272	Fees of jurors and commissioners	800,000	500,000	500,000	500,000
91-272	Travel and miscellaneous expenses	625,000	500,000	500,000	500,000
91-272	Administrative Office of the United States Courts	50,000	15,000	15,000	15,000
91-272	Expenses of referees	34,000			
	Total, courts of appeals, district courts, and other judicial services	3,664,000	3,015,000	3,015,000	3,015,000
	Total, the Judiciary:				
	1970	3,424,500	2,733,000	2,733,000	2,733,000
	1969	300,000	300,000	300,000	300,000
	Total	3,724,500	3,033,000	3,033,000	3,033,000
	RELATED AGENCIES—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE				
	Office of Education				
91-272	Civil rights education	10,000,000	5,000,000	5,000,000	5,000,000
	Special Representative for Trade Negotiations				
91-272	Salaries and expenses	60,000			
	Total related agencies	10,060,000	5,000,000	5,000,000	5,000,000
	Total chapter X:				
	New budget (obligational) authority:				
	1969	300,000	300,000	300,000	300,000
	1970	28,776,500	21,330,000	22,825,000	22,825,000
	Total	29,076,500	21,630,000	23,125,000	23,125,000
	CHAPTER XI—DEPARTMENT OF TRANSPORTATION				
	Coast Guard				
91-306	Retired pay	1,250,000	1,250,000	1,000,000	1,000,000
	RELATED AGENCY				
	Washington Metropolitan Area Transit Authority				
91-272	Federal Contribution	82,939,000	82,939,000	82,939,000	82,939,000
	Total Chapter XI new budget (obligational) authority	84,189,000	84,189,000	83,939,000	83,939,000
	CHAPTER XII—TREASURY DEPARTMENT				
	Bureau of Accounts				
S. Doc. 91-67	Salaries and expenses	1,320,000		1,300,000	1,300,000
	Bureau of the Public Debt				
91-272 and S. Doc. 91-67.	Administering the Public Debt	3,600,000	3,250,000	3,600,000	3,600,000
	Total, Treasury Department	4,920,000	3,250,000	4,900,000	4,900,000
	POST OFFICE DEPARTMENT				
	(Out of Postal Fund)				
91-272	Transportation	10,700,000	10,700,000	10,600,000	10,600,000
	INDEPENDENT AGENCY				
	Tax Court of the United States				
91-272	Salaries and expenses	83,000	83,000	67,000	67,000
	Total, Chapter XII, new budget (obligational) authority	15,703,000	14,033,000	15,567,000	15,567,000

Footnotes at end of table.

EXHIBIT 1.—2D SUPPLEMENTAL APPROPRIATION BILL, 1970 (H.R. 17399)—Continued

COMPARATIVE STATEMENT OF NEW BUDGET (OBLIGATIONAL) AUTHORITY ESTIMATES AND AMOUNTS RECOMMENDED IN THE BILL—Continued

H. Doc. or S. Doc. No.	Department or activity	Budget estimate	House version of bill	Senate version of bill	Final action
	CHAPTER XIII				
	Claims and Judgments				
91-315 and S. Doc. 91-86.	Claims and judgments	$23,478,461	$6,591,406	$23,478,461	$23,478,461
	Total, Title I—General Supplementals:				
	New budget (obligational) authority:				
	1969	13,916,000	13,916,000	13,916,000	13,916,000
	1970	2,187,476,116	1,490,469,961	[2] 2,382,542,694	[2] 1,725,222,616
	Total	2,201,392,116	1,504,385,961	[2] 2,396,458,694	[2] 1,739,138,616
	New annual contract authorizations, increase in limitations	(55,500,000)	(75,000,000)	(75,000,000)	(75,000,000)
	By transfer	(7,203,000)	(7,203,000)	(7,376,000)	(7,376,000)
	Limitation on administrative expenses	(10,349,000)	(10,000,000)	(10,000,000)	(10,000,000)
	TITLE II—INCREASED PAY COSTS				
91-272 S. Doc. 91-67, S. Doc. 91-82	Total, title II:				
	New budget (obligational) authority	3,028,779,786	2,909,729,830	2,955,916,389	[1] 2,932,396,389
	By transfer	(42,263,000)	(42,181,900)	(42,223,900)	(42,223,900)
	Limitation on administrative and nonadministrative expenses	(37,927,000)	(36,225,700)	(36,280,700)	(36,280,700)
	TITLE III				
	Increased pay costs—Federal Employees Salary Act of 1970 (indefinite)	[4] 1,350,000,000	[4] 1,350,000,000	[4] 1,350,000,000	[4] 1,350,000,000
	Grand total, titles II and III—Increased pay costs:				
	New budget (obligational) authority:				
	Definite	3,028,779,786	2,909,729,830	2,955,916,389	2,932,396,389
	Indefinite	[4] 1,350,000,000	1,350,000,000	[4] 1,350,000,000	[4] 1,350,000,000
	Total	4,378,779,786	4,259,729,830	4,305,916,389	4,282,396,389
	By transfer	(42,263,000)	(42,181,900)	(42,223,900)	(42,223,900)
	Limitations on administrative and nonadministrative expenses	(37,927,000)	(36,225,700)	(36,280,700)	(36,280,700)
	RECAPITULATION				
	Grand total, Titles I, II, and III:				
	New budget (obligational) authority:				
	Fiscal year 1969	13,916,000	13,916,000	13,916,000	13,916,000
	Fiscal year 1970:				
	Definite	5,216,255,902	4,400,199,791	[3] 5,338,459,083	[3] 4,657,619,005
	Indefinite	1,350,000,000	1,350,000,000	1,350,000,000	1,350,000,000
	Total, fiscal year 1970	6,566,255,902	5,750,199,791	[3] 6,688,459,083	[3] 6,007,619,005
	Total, new budget (obligational) authority	6,580,171,902	5,764,115,791	[3] 6,702,375,083	6,021,535,005
	New annual contract authorizations, increase in limitations	(55,500,000)	(75,000,000)	(75,000,000)	(75,000,000)
	By transfer	(49,466,000)	(49,384,900)	(49,599,900)	(49,599,900)
	Limitations on administrative and nonadministrative expenses	(48,276,000)	(46,225,700)	(46,280,700)	(46,280,700)

[1] And in addition the reserve fund of $200,000 under this head, fiscal year 1970, may be used for increased pay costs.

[2] Excludes $300,000,000 for food stamp programs, which sum is charged against figure in Agricultural Appropriation Bill, 1971.

[3] Reflects reduction of $23,520,000 under the Senate-passed bill for operation and maintenance, Department of Defense.

[4] Estimate of cost for the 6 months the 6 percent retroactive pay bill would be in effect during fiscal 1970. Under the bill language, transfers of certain unobligated balances are authorized to help meet the added costs, and some absorptions otherwise are probable. Thus, the aggregate additional appropriation under this provision may actually be less than $1,350,000,000.

Note.—In terms of the February budget aggregates for 1970, the net additional amount is $1,175,000,000, after taking account of the $175,000,000 allowance in the February budget total related to a postal pay raise.

Mr. HRUSKA. Mr. President, I oppose the amendment to provide an additional $587.5 million for urban renewal. The item is not supported by the administration, and has been rejected adamantly by the House, not only in conference, but also by a very substantial vote on the floor.

As suggested by the Senator from Rhode Island (Mr. PASTORE), we should recognize the practicalities of the situation and proceed with the final consideration of the conference report. The bill contains many items urgently needed before tomorrow night, which marks the end of the fiscal year.

Mr. President, the Senate should recede on this $587.5 million amendment for the following reasons.

First, it was not requested in the President's budget.

Second, no hearings have been held on it, in either Senate or House committee.

Third, it is not properly a supplemental item.

Fourth, none of it can be spent this fiscal year, which ends tomorrow.

Fifth, the appropriation bill for 1971 as passed by the House contains the budget estimate of $1 billion for this program. The bill reported by the Senate Appropriations Committee provides for $1.3 billion. That bill is now on the calendar and will be acted upon at a very early time.

Sixth, the crisis in the cities, which I both acknowledge and deplore, is matched by a national crisis in our fiscal situation.

Seventh, the cities have been far from neglected, in the distribution of our limited Federal resources. Their need is great, but it is not the only need that must be satisfied.

Mr. President, I ask unanimous consent that there be shown at this point a partial list of Federal funds currently provided to help solve the problems of our great urban areas.

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

A PARTIAL LIST OF FEDERAL FUNDS FOR URBAN RENEWAL

a. $2 billion of undisbursed urban renewal appropriations are now on hand in H.U.D.

b. A total of over $10 billions have been made available to date thru the current fiscal year.

c. Urban renewal is only one program of many for cities: A partial list of other programs:

(1) $757 million for model cities is in a bill passed last April.

(2) $291 million has been appropriated this year on metropolitan development.

(3) $654 million has been included to pay 1 year subsidy on 900,000 public housing units, which we are obliged to subsidize for 40 years, at a total cost of about 35 billion dollars.

(4) $170 million is provided in new contract act authority for additional public housing units. Total cash will be $6.8 billion over 40 years.

(5) $50 million in rent supplement contract authority has been voted this year. This also will have to be multiplied by 40 because that is the duration of the program. Even if we stopped right now and made no additional contracts, the cost would total $6.8 billion.

(6) $130 million was granted this year for home ownership assistance. This is a 30-year program which has a total potential obligation of about $3.9 billion.

(7) $135 million is provided this year for rental assistance program, for low income people.

Mr. HRUSKA. Mr. President, these facts should be thoroughly considered before this $587 million item is approved. The proper forum for such consideration is in committee, not through a floor amendment to supplemental appropriations bill.

But Mr. President, no hearings were held on the item. If they had been held, as I have cited, such facts would do much to dissipate the criticism that Congress is receiving from mayors of large cities and from some of our colleagues in the Congress.

It should be repeated that there is indeed a crisis in the cities.

There is vast, urgent need for much improvement.

But, it is incorrect to imply that we are standing idly by. In fact, we are doing as much as can be done in keeping with other demands for money and with overall national priorities.

Mr. President, a few minutes ago I noted another crisis—the crisis in fiscal affairs. We are in the grip of a long-range inflationary spiral and no one is affected more than the people in our urban areas.

Our responsibility must go first to achieving fiscal stability of our Nation. If we do not, all our other programs will go for nothing.

If cities believe they are in dire straits now, these only with imagination will be able to envision their plight with a further reduction in the buying power of the already inadequate wages.

Mr. President, the Senate should recede on its amendment calling for an additional $587 million in urban renewal funds.

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

Mr. HRUSKA. I yield 2 minutes to the Senator from New York.

Mr. JAVITS. Mr. President, first let me make clear that in saying what I do about the outlook of the other body in connection with this bill I am not at all critical of the tremendous amount of things and work which the rural areas of our country need. What I had in mind was a certain failure to realize the enormous population growth of the cities, the vast problems they have, and the need for a constructive approach. With many, many things needed in the rural areas I was indulging more in parochial thinking rather than seeking to reduce one and increase the other.

On the question of the shortage of summer jobs I ask unanimous consent that there be printed in the RECORD a newspaper article which was published in the New York Times of yesterday entitled "Shortage of Summer Jobs Found Severest in Years."

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

SHORTAGE OF SUMMER JOBS FOUND SEVEREST IN YEARS

(By John Herbers)

WASHINGTON, June 27.—The slowdown in the economy and rising unemployment among adults has resulted in the severe shortage in summer jobs for youth that the nation has experienced in several years.

Employment officials in 14 representative cities across the country report that the demand is up sharply from last year but that the openings are down drastically.

As a result, many thousands of teen-agers and college students who want to work have been unable to find jobs, significant numbers are taking employment previously scorned as too menial or low-paying and there are frequent reports of students being unable to earn college tuition fees needed for next fall.

In some cities there are indications that some employers are not offering jobs to youths because, as a Los Angeles official said, they have a "misconception that our youth would rather riot and loaf."

Forecasts of idle youth this summer have concerned Government officials for some time. In April, when the Bureau of Labor Statistics reported that 3.7 million persons aged 16 to 21 would enter the labor force between April and July, business executives, placement officials and Government observers predicted that hundreds of thousands of young people might find jobs unavailable.

The prospects of having many thousands of additional teen-agers idle in July and August has aroused official concern about the possibility of violence in the cities. Congress, prodded by the Nixon Administration, voted this week to appropriate $50 million extra for the hiring of more than 100,000 persons between the ages of 14 and 31 in the Neighborhood Youth Corps. But this is not sufficient to take up the slack.

Meanwhile, a report just issued by the Labor Department on job prospects in the next 10 years says that, while training requirements are rising, eight out of 10 jobs—but not the preferred ones—will be open to young workers with less than a college degree. [Details on Page 56.]

WORSENED PROSPECTS SEEN

Over the years, a number of state, Federal and local agencies, both public and private, have been helping youths find summer jobs. Almost all of these report worsened prospects this year.

"The situation for summer employment this year is quite serious and potentially dangerous," said Alex Altheim, superintendent for youth services for the State Employment Services in New York City.

In Dallas, Richard Moynihan, coordinator of summer programs for the Texas Employment Commission, said that 9,000 of 15,000 applicants in the Dallas area were placed in jobs last year.

"We believe less than 50 per cent of the jobs available in 1969 are available this year," he said, citing a general cutback by private industry.

"We're extremely pessimistic," said Mrs. Jane Dawson of the Los Angeles Economic and Youth Opportunities Agency. "With the fathers out of work, who's going to hire the sons?"

The change from last year, when the teen-age employment picture was far from perfect, was illustrated by an incident in Chicago. Jack M. Springer, district manager for Real Silk Inc., which sells hosiery door to door, said he ran small advertisements as usual, seeking salesmen.

"The calls poured in, mostly from college students," he said. "So far we've had more than 200 calls. That's 10 times as many as we were getting last year. Many said they can't find jobs."

Previously, he said, most college students rejected such work, preferring salaried jobs.

"Now economic conditions seem to be forcing many to go into selling, and in my book this could be the best thing that ever happened to them," Mr. Springer said.

More often than not the job shortage results in lower-paying employment. Mrs. Sylvia Blumenfeld, supervisor of the Pennsylvania Employment service in Pittsburgh, pointed to four boxes in her office and said:

"They're filled with about 800 applications. We have some jobs at $1.60 and $1.75 an hour. Last year, they'd look at you like you were crazy if you offered those jobs. Now they'll take jobs for $1.75, but there are only a few available."

In some cities, the younger teen-agers, who got some of the jobs last year, are finding nothing this year. In Washington, 14-year-olds and 15-year-olds are being discouraged from registering, and 16-year-olds are taking low-paying jobs they had previously shunned.

William Butler, head of the Mini Job Center for the D.C. Manpower Commission, said he would call a 16-year-old boy about a job that pays very little and say:

"How you doing baby? I want to lay something on you. You're lost man. You're only 16. You're not going to get a job, but I'm really going to work for you, baby. I've got some jobs, see, if you want to try them on."

Mr. Butler is usually successful.

A STEP BACKWARD

"It's toughest for the high school kids," said a spokesman for the Illinois State Employment Service in Chicago, where there has been a 38 per cent decline in listings. "The college kids are stepping down and taking poorer jobs which normally would go to high school students. I know of one football player who had a good construction job last year, and now he's working as a busboy at low pay."

For many youths, the job search began last winter and is still continuing. Phil Haddix, a 21-year-old Negro from Milwaukee who will be a senior at the University of Minnesota in the fall, made $1,700 last summer in a Milwaukee factory. He said he had been unable to find any job this summer and that, if he did not find employment soon, he would begin looking in other cities.

In Atlanta, Pamela Heard, an 18-year-old Negro, said: "I've been looking for about two weeks. I just graduated from high school, and I want to go to Howard University in Washington." The lack of a job she said, may prevent her from going to college.

Most of the public jobs and those being arranged by the National Alliance of Businessmen, a voluntary group working with the Government and using Federal money first go to the disadvantaged. But the inner-city poor are reported to be suffering, nevertheless, because their families are hurt by the economic slowdown and because many of the jobs are in the suburbs and there is not adequate transportation to get the youngsters there.

"Kids in the city, and particularly blacks, are hardest hit," said John Coulter, manpower director for the Chicago Association of Commerce and Industry. "Some black families suffer the double consequences of the father laid off, and sons and daughters unable to get summer work."

In Houston, Keith Turkington, director of a special private program that is trying to place youths in jobs, said: "Some companies just don't want to cooperate on summer job programs, and use the economy as an excuse." In Los Angeles, Don Pool, a state employment official, said that some employers appeared to be afraid of long hair and beards and generally had a "stereotyped feeling" about youths.

There are some exceptions. In Newark, the National Alliance for Businessmen has doubled from last year the number of job openings it will fill—from 1,100 to 2,200. The reason, an official explained, is that a federally subsidized transportation system will take inner-city youth to jobs out to the suburbs, where the pay is about $2 an hour.

Mr. JAVITS. Mr. President, if it were not absolutely essential to pass this bill today, I would be fighting it and seeking to send it back to conference to include the other $50 million the Senate voted. We are in a shortfall of almost a million summer jobs, which the Government should contribute. It is a shocking situation and it may cause us very great difficulty.

I extend great credit to the distinguished Senator from West Virginia (Mr. BYRD), the President, and former Secretary of Labor Shultz. However, we are still dreadfully short; there is a tremendous shortfall in the Government sector. I share the concern of the Postmaster General, which has been expressed recently.

In connection with the Manpower Training Act which we are now marking up in the Committee on Labor and Public Welfare, I expect to include an amendment which would require a much earlier report in each calendar year as

to summer jobs. I intend also in the coming week to explore with the President's Council on Youth Opportunity what might be done to make the executive branch and the Congress more responsive to these needs.

We now find ourselves panting after the event. Here we are in the last days of June and we expect that on July 1 this money is going to be made available and intelligently allocated for summer jobs.

I regret very much what has been done. There is no other course, but it cannot go unchallenged, unprotested, or unnoticed, and I hope we can do better because of amendments to the law.

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

Mr. HRUSKA. I yield 3 minutes to the Senator from Colorado.

Mr. ALLOTT. Mr. President, I thank the distinguished Senator from Nebraska. I would like to make two or three points.

Of course, I think the Senator from New York is entirely correct in his assessment of the bad situation for summer jobs. I also am concerned about it. Second, I would like to say that unfortunately in Congress we have had in the last few years a tendency on the part of legislative committees to insert authorizations in bills which in their minds were the ceiling of what Congress should do, and we have had extended arguments that the ceilings set by the authorization committees become, therefore, obligatory upon the Committee on Appropriations. I do not so regard it. I regard the duty of the Committee on Appropriations to insert under those ceilings, which are admittedly always maximum ceilings, to offer to the Senate, and suggest to the Senate in bills, the amount they think after very extended hearings—and they are always afforded extended hearings—is justified, taking into consideration first the need and second the budget requirement.

We are seeing this year an attempt to load very heavy appropriation bills extremely far over the budget. Our fiscal policies are somewhat like a man in a home who has to decide whether or not to buy Johnny a new pair of shoes or Suzie a new dress. We have to decide on priorities in the Senate and priorities in Congress; and if we permit everything to just balloon above the target, we are going to set in motion again a cycle of inflation which, in turn, will defeat the very things we are trying to do because these inflationary items go into urban renewal and everything we do.

I would like to make one final statement. I would like to pay tribute to the distinguished Senator from West Virginia, the chairman of the subcommittee, and to the distinguished Senator from Nebraska. We upheld the Senate position. The Senator from Rhode Island was very eloquent. However, the House has assumed the responsibility of saying, "We cannot go this far above the budget or we will destroy the things we are trying to do to whip inflation."

I thank the Senator for yielding.

Mr. HRUSKA. Mr. President, I am prepared to yield back the remainder of my time.

Mr. BYRD of West Virginia. Mr. President, I wish to associate myself with the remarks of the able Senator from New York (Mr. JAVITS) anent the neighborhood youth summer jobs. The Senator made a very convincing case before the subcommittee. It was he who first called attention to the great need for appropriations in this respect. I can appreciate his feelings as he has expressed them today. I think the conferees did the best it could with the conference. The conferees did all they could. The House felt very strongly the amount should not be over the budget estimate. I feel we have achieved some good in that we appropriated $50 million, which was the budget estimate.

I wish to thank the Senate conferees and particularly the ranking minority member of the subcommittee, the Senator from Nebraska (Mr. HRUSKA). I have expressed my gratitude to the conferees on both sides of the aisle who worked with me in conference and supported me there so well.

I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. MCGOVERN). The question is on agreeing to the conference report.

The report was agreed to.

The PRESIDING OFFICER. The clerk will state the amendments in disagreement.

The assistant legislative clerk read as follows:

Resolved, That the House agree to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 17399) entitled "An Act making supplemental appropriations for the fiscal year ending June 30, 1970, and for other purposes."

Resolved, That the House recede from its disagreement to the amendments of the Senate numbered 12, 20, 22, 24, 51, and 62 to the aforesaid bill, and concur therein.

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 2 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the date "September 30" named in said amendment, insert: *October 31*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 10 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$318,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 15 to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the sum named in said amendment, insert: *$350,000*

Resolved, That the House recede from its disagreement to the amendment of the Senate numbered 50, to the aforesaid bill, and concur therein with an amendment, as follows:

In lieu of the bill number S. 2694 named in said amendment, insert: *H.R. 17138*

Resolved, That the House insist on its disagreement to the amendments of the Senate numbered 13 and 16 to the aforesaid bill.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate concur in the amendments of the House to the amendments of the Senate numbered 2, 10, 15, and 50.

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

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate recede on amendment No. 13.

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

The motion was agreed to.

Mr. BYRD of West Virginia. Mr. President, I move that the Senate recede on amendment No. 16.

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

The motion was agreed to.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. BYRD of West Virginia. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

The PRESIDING OFFICER. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for 15 minutes.

Mr. ALLEN. Mr. President, on tomorrow the Senate will conclude action on the Foreign Military Sales Act at 4 o'clock. At 2 o'clock the vote will be taken on the committee amendment which embraces as a part thereof the Cooper-Church amendment. I have opposed the Cooper-Church amendment and will vote against it on tomorrow.

Today, at 1 o'clock, a vote will be taken on the amendment offered by the distinguished Senator from Colorado (Mr. ALLOTT). The time will be controlled starting at 12 o'clock, leaving 30 minutes to the side. Rather than seek to obtain some of the time allotted to the two sides at that time, the junior Senator from Alabama has chosen to speak during the period set aside for the transaction of routine morning business.

Mr. President, there is no monopoly, of course, upon the use of words in an amendment. There is no monopoly on the use of an idea. Of course, the Allott amendment is the amendment by the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Oregon (Mr. HATFIELD), the McGovern-Hatfield amendment. This amendment has been called the end the war amendment. And whereas the Cooper-Church amendment is applicable only to the situation, present and future, in Cambodia, the McGovern-Hatfield amendment and the Allott amendment seek to cover the whole range of the war in Southeast Asia, providing for the withdrawal of all support of military operations on the part of American troops in Cambodia 30 days after the final passage of the amendment or the act embracing the amendment.

Then, as to Vietnam and Laos, it calls for withdrawal of the support on December 31 of this year, except for the fact that a 6-month period, on through June 30, 1971, would be set aside for the support of the actual withdrawal of American troops from Vietnam.

I oppose the Allott amendment. I will oppose, if it comes up, the McGovern-Hatfield amendment, because I believe it is even worse than the Cooper-Church amendment, because it not only sets a definite timetable on withdrawal of the support for our troops in Cambodia, Laos, and Vietnam, but also sets the time when all of our troops must have been withdrawn from Southeast Asia.

The Allott amendment actually is the McGovern-Hatfield amendment in masquerade. So it is the position of the junior Senator from Alabama, opposing as he does the provisions of the McGovern-Hatfield amendment as well as the Allott amendment, that whenever an opportunity comes to vote against such an amendment, either on a direct vote or on a motion to table, the junior Senator from Alabama is going to avail himself of that opportunity.

Now it seems that the strategy that is to be employed at 1 o'clock is that a motion to table the Allott amendment is to be made by the proponents, the sponsors, of the McGovern-Hatfield amendment, even though the amendments are identical. So we have the paradoxical condition coming at 1 o'clock of those who support the language of the Allott amendment—which is identical to the McGovern-Hatfield amendment—saying, "Let us table it in order to save it," which seems to the junior Senator from Alabama as a strange position to take. Then the supporters of the Allott amendment are taking the position, "Let us not table it in order to kill it." But there is actually a third position, which the junior Senator from Alabama adopts, and that is to table the Allott amendment in order to kill it, because that will effectively kill the amendment if the vote to table should carry.

The junior Senator from Alabama is impressed also with the fact that the language in the McGovern-Hatfield amendment was first proposed, or was first suggested, by the distinguished Senator from South Dakota and the distinguished Senator from Oregon. It is well known that it was their amendment, that they were going to offer it at a time to be chosen by them. So it would occur to the junior Senator from Alabama that it would only be fair play to allow them to offer that amendment at such time as they may see fit.

But that is not the impelling reason that causes the junior Senator from Alabama to announce his intention of voting to table the Allott amendment. The Allott amendment and the McGovern-Hatfield amendment provide the very same thing. They would show lack of support of the President in his position in Southeast Asia, and the setting of a timetable for complete withdrawal of American forces from Vietnam and the other areas in Southeast Asia, and the actual withdrawal of support from our soldiers in Southeast Asia, according to a definite timetable.

As far as the junior Senator from Alabama has been able to ascertain, the consideration of the Cooper-Church amendment and the McGovern-Hatfield amendment and the Allott amendment is the only time when the Congress has seriously considered the matter of withdrawing support from American troops when they are in the actual heat of battle on a mission on which they had been dispatched by the President of the United States. To withdraw support from them under these conditions is unthinkable.

So the position of the junior Senator from Alabama is that we must not withdraw support from the American troops, wherever they are. And since the McGovern-Hatfield amendment would do that, and since the Allott amendment, which has sought to take over, for the purpose of killing it, the McGovern-Hatfield amendment, would do that, the junior Senator from Alabama must oppose either of these amendments whenever he gets the opportunity to do so.

So when the motion to table is made with respect to the Allott amendment, the junior Senator from Alabama, opposing the amendment, will vote to table it. He will vote that way against the Allott amendment or against the McGovern-Hatfield amendment, irrespective of which it might be. He does not follow the theory that the best way to kill an amendment is to vote not to table it. If we have an opportunity to table something, let us table it and use the votes of those who support the amendment and are taking the position, "Let us table it so we can save it." Let us use those votes also to carry the motion to table, thereby defeating the amendment.

Mr. President, I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

WELFARE REFORM

Mr. BYRD of Virginia. Mr. President, reform of our welfare system is one of the most important matters before the Congress today.

The present system should be changed. It is too costly, and it is not fair either to taxpayers or to the recipients of welfare. It is outdated. It needs to be modernized.

The Department of Health, Education, and Welfare has proposed a new family assistance plan, which it claims will solve our welfare problems.

The original version of this proposal was approved by the House of Representatives and was then submitted to the Senate Finance Committee, of which I am a member. During the committee's hearings, the following facts were established:

First. The proposal, for the first time, would establish the principle of a guaranteed annual wage. HEW Secretary Robert Finch suggested $1,600; the National Welfare Rights Organization demands $5,500.

Second. Mr. Finch admitted the cost of his program would be nearly double the cost of the present system—and evidence indicates that his estimates for the new proposal are low, being based on 1968 figures.

Third. The selling point in the Finch program is the so-called work incentive feature. But there is doubt that this incentive will work.

For example, a worker earning $9,000 with a family of four has a take-home pay of $7,615. But under the original proposal, in New York, he could quit work and receive the same amount from welfare programs, in cash and other public benefits.

Fourth. Under questioning by me, Secretary Finch admitted his proposal would increase the welfare rolls from 10 million to 24 million. I then asked him this question, to which I received no satisfactory reply: "How can we reverse the trend toward the welfare state by increasing the welfare rolls from 10 million persons to 24 million persons?"

Fifth. Governor Reagan of California wrote to me that 8 percent of his State's population now on welfare would go to 14 percent under the Finch proposal.

I concluded that I could not support the Finch proposal in its original form. I worked with Finance Committee colleagues to have it sent back to the Department of Health, Education, and Welfare to be completely reworked.

The HEW Department now has presented a revised proposal for reforming the welfare system, which it claims will overcome the objections to the original plan. I am keeping an open mind toward the new scheme until hearings are held by the Finance Committee to examine it in detail.

During the time that hearings were in progress on the original proposal, the Virginia State Chamber of Commerce sent to me a copy of a proposed resolution suggesting that the welfare programs operated by the Federal Government be subjected to a study by a Presidential Commission, on the order of the Hoover Commission.

I immediately determined that this was a sound proposal, and I submitted Senate Joint Resolution 205 to establish a study commission on welfare. The resolution calls on the commission to study the Federal welfare system and make recommendations for modernizing it in an equitable way.

If the new version of the administration welfare bill is satisfactory, I shall not press my resolution. But if it is not—and I have grave doubts on this score—then my resolution would insure that the welfare system does not just remain on dead center. Constructive action can be undertaken at once.

I feel that we have a deep obligation to those who are physically or mentally unable to earn a living. I do not feel, however, that Congress should turn over tax funds of hard-working citizens to able-bodied persons who refuse to work.

It is important that the present welfare program be reformed, but we must be sure we get something better.

Mr. President, I ask unanimous consent that the text of a resolution submitted by the National Affairs Committee of the Virginia State Chamber of Commerce, concerning the Federal welfare program, be printed at this point in the RECORD.

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

A RESOLUTION SUBMITTED BY THE NATIONAL AFFAIRS COMMITTEE OF THE VIRGINIA STATE CHAMBER OF COMMERCE

Whereas, the federal welfare program has expanded haphazardly and without common direction for 40 years, and

Whereas, the constant addition and multiplication of welfare plans has resulted in an unwieldy, duplication system that too often encourages a caste system of idleness and unproductivity and discourages incentive and self-help among those it is designed to help, and

Whereas, the major portion of the increasing tax burden to support these many welfare programs must be borne by the productive workers in the lower and middle income brackets,

Be it hereby resolved that the Virginia State Chamber of Commerce calls on the national Administration to create a study group composed of outstanding citizens similar to the Presidential Commission on the Reorganization and Management of the Executive Branch (commonly called the Hoover Commission) for the purpose of streamlining and reorganizing our present federal welfare programs and setting forth a sensible and realistic pattern which can provide guidance to revisions dictated by future circumstances, and

Be it further resolved that copies of this resolution be transmitted to all state Chambers of Commerce throughout the United States with a request for similar endorsement so that a national expression of concern can be conveyed to the national Administration and to our elected representatives.

Approved by the National Affairs Committee in session at the Marriott Twin-Bridges Motor Hotel, April 27, 1970.

Adopted by the Board of Directors in session at the Chamberlin Hotel, May 7, 1970.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the unfinished business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 15628) to amend the Foreign Military Sales Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

APPROPRIATIONS COMMITTEE REPORT—OBJECTION

Mr. HOLLAND. Mr. President, I ask for 30 seconds from someone.

Mr. CHURCH. I yield 30 seconds to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. HOLLAND. Mr. President, for the Senate Committee on Appropriations, I send forward the committee report, which is unanimous, on H.R. 17923, an act making appropriations for the Department of Agriculture and related agencies for fiscal year 1971——

Mr. BYRD of West Virginia. Mr. President, I have to call attention to the fact that this would be morning business, that the unfinished business has already been laid down and therefore this would be in violation of the Pastore rule on germaneness.

Mr. HOLLAND. It has already been done.

Mr. BYRD of West Virginia. I interrupted the Senator before he submitted his report.

Mr. HOLLAND. Mr. President, I withhold the report, Mr. President.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

Mr. ALLOTT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. MANSFIELD). The Senator from Colorado will state it.

Mr. ALLOTT. Do I correctly understand that I have 30 minutes available to me?

The PRESIDING OFFICER. The Senator is correct. How much time does the Senator yield himself?

Mr. ALLOTT. Mr. President, I yield myself such time as I require.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLOTT. Mr. President, last Thursday I introduced an amendment, No. 741, which, if passed, would unconstitutionally infringe upon the powers of the Commander in Chief, and would cut the ground from under any remaining hopes we have for meaningful negotiations to end the violence in Southeast Asia.

This amendment has the same wording as the so-called amendment to end the war—the McGovern-Hatfield amendment. I have proposed this amendment—in full accord with the rules and precedents of the U.S. Senate—in order that we could resolve finally the division that hangs over the country, the Senate and the President.

The day before I introduced the amendment, the junior Senator from South Dakota, who frequently advises Americans of their moral duty to stand up and be counted, announced that he would move to table such an amendment so that he could introduce it at a later date. He did not dwell on his reasons for strenuously opposing an attempt to allow the Senate to stand up and be counted on this matter.

Mr. President, let us not mince words. We are nearing the end of a thorough debate on our policy in Asia, and on policymaking procedures. I know of no Senator who does not feel that all members have had ample opportunity to make their views known. In addition, supporters of this amendment have been generating support for it for the past 59 days. In these circumstances, a vote to table this amendment will be a vote to duck the issue, a vote to avoid putting one's convictions on the line.

A motion to table will be very hard to fathom, especially if it is supported by those Senators whose adoration of the amendment is so intense that they have urged the public to invest nearly half a million dollars in a promotional campaign on its behalf. And it will be doubly hard to fathom if the original proponents of this amendment support tabling. Nearly 2 months ago they indicated that an up-or-down vote such as this is long overdue; and nearly 2 months ago they indicated that they expected and would be ready to vote in 1 month.

Should this amendment not be allowed to come to a final passage today, it will not be because of a split between hawks and doves. Rather, it will be because of a conscious decision by the majority party in this body.

I hope that will not happen. I hope that all of us, regardless of our beliefs about the proper final disposition of this amendment, will respect the American people's strong desire to have prompt action on it. It is my very clear impression that this desire is widely shared, and is most strong among those who support the amendment. I cannot in good conscience support the amendment. But I can—and, in good conscience, must—accede to the request for prompt Senate consideration of it.

Throughout the country, supporters of the amendment want a vote on it. They do not want mere procedural considerations to prevent prompt action.

Although we start from very different presuppositions, and although our reasoning is entirely different, proponents of the amendment and I come to one conclusion together: Lives may be saved by the prompt consideration of this measure. When human lives may be saved—as I believe they will be by the prompt defeat of this measure—we cannot utilize a motion to table the amendment as a pretext for avoiding the issue on the amendment.

I know that some of my most respected

colleagues have procedural reasons for being reluctant to bring this matter to a final vote. To them I urgently and respectfully commend several considerations. One of these I need only restate. Prompt final action on this measure may save human lives.

Two other considerations are these. First, the proponents of the pending amendment are on record as favoring and expecting a vote at about this time.

Second, the only reason for not voting now is to allow time for the science of merchandizing to get mixed up with the art of legislating. Let me explain these two points.

On May 2, Senators McGOVERN, HATFIELD, HUGHES, and GOODELL held a press conference at which they announced their intention to submit an amendment with the same wording as the pending amendment. In their joint statement of more than 8 weeks ago these Senators said that "the time has come for Congress to face a historic constitutional choice." I agree, I think the time has come for Congress, and especially those who support the so-called amendment to end the war to allow this amendment to come to vote.

On May 7, 54 days ago, the distinguished junior Senator from South Dakota said that his amendment would come to a vote "in approximately 30 days." In this speech in the Senate, he declared:

> No longer will we just make speeches lecturing the President on what we think we should do.

At that time the Senator seemed very anxious to vote.

In the same speech he said:

> Instead of wringing our hands, or tearing our hair, or throwing bricks, or blocking traffic, let us go to work on our Congress and Senators and our neighbors and friends and make constitutional government serve our needs.

We agree on one point. When he spoke 54 days ago he indicated that 30 days would be adequate for proponents of this amendment to rally their support and participate in the debate we have been having. I think he was right.

A full page advertisement in the New York Times of May 24 asked for money to support the drive to pass the so-called amendment to end the war. A huge headline on the advertisement assured contributors that the amendment would come to a vote by July 1. Today the supporters of that money-raising advertisement have their last chance to make their advertisement accurate.

They can do this by allowing the amendment to come to a final vote.

Mr. President, I do not know if the press has been correct in reporting that the proponents of this amendment have raised $470,000 to finance advertising and lobbying campaigns on its behalf.

I do not know if the reports are accurate that high-powered advertising talent has been retained to mastermind the campaigns.

I do not know if yesterday's New York Times was accurate in reporting that the proponents of the amendment are planning to spend at least $200,000 on advertising alone in its support.

Mr. President, this much I do know. I am uneasy about an attempt to treat a piece of Senate business like a brand of toothpaste. I do not think huckstering has a place in our legislative process. And I am especially firm in my belief that the Senate's order of business should not be bent to conform to the prerequisites of any advertising campaign.

This resort to advertising raises some questions. Are the American people supposed to have their political judgments manipulated by Madison Avenue? And are we in the Senate supposed to hold our breath until the campaign has run its course, and then trim our convictions to suit whatever wind has been made to blow?

Let me answer these questions with three statements.

I do not think the American people like seeing legislative proposals merchandized like potato chips.

Second, I am sure the American people cannot be manipulated.

Finally the Senate will not allow Madison's republic to be governed by Madison Avenue. This is the world's greatest deliberative body, and it does not need or appreciate advertising bombardments. Senators are elected to exercise their judgment, not to conform their decisions to generated passions.

In this regard, I am reminded to Winston Churchill's comment when, in the dark days of September 1941, he urged American leaders not to allow their decisions to be swayed by the fluctuations of the Gallup poll. Churchill put it this way:

> I see (it said that) leaders should keep their ears to the ground. All I can say is that the British nation will find it very had to look up to the leaders who are detected in that somewhat ungainly posture.

Mr. President, the American people do not expect Senators to adopt that ungainly posture. I am sure Senators have settled opinions on the pending amendment and are ready to vote. To them I suggest Mark Twain's advice:

> Always do right. You will please some people and you will amaze the rest.

Mr. President, we will please the vast majority of Americans by bringing this measure to a final vote now. We will do what is right by defeating it.

There is no good time to make rash and unprecedented departures from constitutional practice. There could be no worse time to hinder the President in his delicate task of disengaging us from the war he inherited. Finally, this is the best possible time to vote down this measure, and the worst possible time to duck the issue by moving to table the amendment as the Senator from South Dakota has said he would do.

I sincerely hope that all people who want to remove the threat overhanging the heads of the American people, the President, and the Senate will vote not to table the measure so that we can at last come to issue upon this important measure and say to the people of the country, "We have looked at it. We have defeated it. And we think the President is pursuing the right course."

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. MUSKIE). Who yields time?

Mr. MANSFIELD. Mr. President, I yield myself one minute for the purpose of asking the distinguished Senator from Colorado if he intends to use up the full 30 minutes of his time. That is just for information so that we can guide ourselves in the matter.

Mr. ALLOTT. Mr. President, it is not intended that I will do that. But I want to reserve a few minutes.

Mr. MANSFIELD. Mr. President, I thank the Senator.

I suggest the absence of a quorum with the time to be taken out on this side.

The PRESIDING OFFICER (Mr. MUSKIE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I yield 3 minutes to the distinguished senior Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, for 6 weeks this body has been debating the measure offered by Senator COOPER and Senator CHURCH relating to our actions in Cambodia after July 1. This has been a serious, though unfortunately prolonged discussion about a very limited matter. Namely, was the administration's expedition into Cambodia, and would any similar actions in the future, be tactical military matters that are the due right and responsibility of the President as Commander in Chief, or do they constitute or likely involve an extension of our policy in Southeast Asia to another sovereign nation? To the extent that our Government's actions and policies could involve some form of commitment to another nation; namely, Cambodia, then the sponsors of this measure have maintained that the Congress should first be consulted. It is that question, and variations on this theme, which have been discussed during this entire period.

Mr. President, 24 Senators are cosponsoring a difficult measure, introduced by myself and four of my colleagues, which is intended to be an amendment to the military authorization bill. The purpose of this amendment is to set forth a timetable for our orderly disengagement from Indochina. It raises the question of the future for our entire policy in that portion of the world, and sets forth a positive alternative for us to extricate ourselves from this conflict. It does so over an orderly and extended period, making full provision for giving assistance to the South Vietnamese. The issues it raises are of the most crucial importance for this body and for the future of our Republic.

The amendment does not raise the issue about whether the Cambodian expedition was a legitimate exercise of the Commander in Chief power or not. It does not concern itself with that judgment and takes no position on that question. It raises instead a matter of completely different nature by maintaining

that the Congress should set a timetable for terminating our involvement in the Vietnam war. The tactics that the Executive would choose to implement in order to execute that policy are, of course, his full prerogative as Commander in Chief. We in no way are calling those tactics into question, and the amendment, therefore, does not raise the discussion of the appropriate policies of the President as Commander in Chief.

The Senate has had to spend 6 weeks trying to define the constitutional powers of the President as Commander in Chief through the Cooper-Church amendment. But this discussion has been prolonged, of course, not by the advocates of the Cooper-Church amendment, but by its opponents.

Naturally we all welcome thorough discussion of these matters. However, it is completely erroneous to suggest that the debate focused on the Cooper-Church amendment relating to Cambodia is the same as considering a proposal for accomplishing our disengagement from the Indochinese war. That most crucial discussion will confront this body in the future, and must be conducted in the most orderly, responsible, and thorough manner if we are to come to a sound and wise judgment.

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

Mr. MANSFIELD. Mr. President, I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 2 additional minutes.

Mr. HATFIELD. Mr. President, as the authors of this amendment, we intend to initiate this discussion in a proper way, so that the Senate can work its will. We welcome this discussion for we feel it to be the most important matter that this body will embark upon during this year.

That is why we fail to understand why other Senators are proposing that the rules of this body be suddenly subverted in an unprecedented manner.

I can think of no historic precedent for one Senator to call up an amendment sponsored by another Senator and ask for its defeat. If this practice is to be followed, the functioning of this body will become confused, frustrated, and nearly immobilized. We cannot allow this Pandora's box to be opened if we, as a legislative body, are to maintain what little respect and effectiveness we now have.

We are dealing with matters of the gravest consequence for our Nation. They are not matters to be toyed lightly with, or subjected to political trickery. That is not the way for this body to work its will. And those Members of this body—as well as those in the executive—who support this action are only giving evidence of their fundamental disregard for the procedures, the responsibilities, and the duties of the Congress of the United States.

May I say in all candor that it has been regrettable for the executive branch to disregard the constitutional procedures for consultation with the Congress in the formation of its foreign policy. But it is a far more grave and serious matter for the executive not to act with such respect for the historic and honored process by which this body has functioned. It is the integrity of the Senate that is called into question by this matter.

I believe that we must protect that integrity—and that we also must insure that future of our policy in Southeast Asia is considered in the most orderly and responsible manner possible.

Therefore, I shall support a tabling motion if one is made.

Mr. McGEE. Mr. President, the move on the part of the Senator from Colorado (Mr. ALLOTT) to offer at this time the so-called McGovern-Hatfield amendment to end the war is, in my opinion, quite inappropriate and ill timed.

The McGovern-Hatfield amendment should in no way be considered in context with the pending Foreign Military Sales Act. It was authored as an amendment to the military procurement authorization bill, and it is in conjunction with that bill that it should be considered.

I oppose the McGovern-Hatfield amendment, for reasons I have stated many times, and I intend to vote against the measure once it is considered in its own right.

But I also oppose this move to call the amendment up in this unorthodox manner, as I am sure do many of my colleagues, regardless of their views on the McGovern-Hatfield amendment.

Mr. President, I intend to vote to table the Allott amendment, and I urge my colleagues to do likewise.

Mr. MANSFIELD. Mr. President, how stands the time?

The PRESIDING OFFICER. The Senator from Montana has 18 minutes remaining and the Senator from Colorado has 15 minutes remaining.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum out of the time on this side, not to exceed 3 minutes.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, how stands the time?

The PRESIDING OFFICER. Fifteen minutes remain on each side.

Mr. MANSFIELD. I suggest the absence of a quorum, the time to be taken out of my time.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, now how stands the time.

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. MANSFIELD. Mr. President, I yield 1 minute to the Senator from Florida (Mr. HOLLAND). Then I will yield myself 4 minutes, and to conclude the debate, I will yield 10 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Chair will state that the Senator has only 13 minutes remaining.

Mr. HOLLAND. Mr. President, while I shall vote for the motion to table, I shall do so not on procedural grounds but because I am against the amendment on its merits or in any way it may come up. Therefore, I shall vote for the motion to lay on the table.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MANSFIELD. Mr. President, I yield myself the remaining time up to the last 10 minutes.

The Senator from Colorado (Mr. ALLOTT) has offered in his own name the so-called McGovern-Hatfield amendment—with the hope that the proposal will be defeated.

By offering this amendment, the Senator from Colorado has chosen a procedure that, if allowed, will affect most drastically the capacity of this institution to conduct its business. Over 95 percent of the Senate's business is conducted by unanimous consent—the rest is worked out in the spirit of unity and comity that must exist in a form of unlimited debate and unlimited capacity for obstructionism under its rules.

Every Member of this body stands equally in the legislative process. At one time or another every Member of this body has felt strongly that he has devoted the full measure of his time, his energy, and resources to a particular legislative proposal; one that he can claim fully as his own. It would be most unfortunate, I believe, if we now established a practice for the opponents of any such proposal to use as a means of prejudicing its merits, the device of calling it up at a time most advantageous to the opposition. That is what is at stake here—the control over your own proposal exclusive of the opposition to that proposal. And it affects every Member of this body.

Of course, under Senate rules any Senator can embrace as his own and advocate, and indeed offer as an amendment, any proposal he wishes.

A few days ago the Senator from Kansas (Mr. DOLE) did just that. He advocated the repeal of the Tonkin Gulf resolution and, whether you may personally agree with the procedure or not, he was fully within his rights in calling up an amendment to that effect previously introduced by another Senator and even reported out as a resolution by the Committee on Foreign Relations.

The PRESIDING OFFICER (Mr. KENNEDY). The Senator from Montana asked to be notified when 10 minutes of his time remained.

Mr. MANSFIELD. Mr. President, I yield myself 1 more minute.

I might emphasize here that Senator DOLE supported the Tonkin repeal. He supported it fully and without equivoca-

tion. It may have been conceived by another Senator, as it was—the Senator from Maryland (Mr. MATHIAS). But the Senator from Kansas agreed with it in substance and on his own sought to have its terms implanted into law.

That, however, is not the case at hand. Pending now is an amendment authored not by its sponsor nor by one who supports its terms. The proponent of this amendment is an avowed opponent of the proposal. He seeks its rejection by the Senate and does so by controlling its consideration by the Senate.

I noted the alleged precedents cited for such a procedure. I cannot agree, however, that these past instances referred to are at all in point. A motion to table an amendment offered by a genuine sponsor has no similarity to the procedure of the present case. Motions to table by the Senate leadership, who have responsibilities to move the Senate program, have no similarity—regardless of how the leadership may have voted. Motions of this character are made solely to expedite the Senate program; not to prejudice the substance of another Member's proposal.

In moving to table the pending amendment, I do not seek to foreclose the Senate's consideration of what is perhaps the single most important issue of this session: The matter of bringing to a close the whole war operation in Southeast Asia.

The amendment, as I recall, was first introduced last April 30. It was revised and resubmitted on May 5. From the very beginning, 2 months ago, Senator MCGOVERN stated—and I quote his remarks of April 30—

> The Senator from Oregon (Mr. HATFIELD) and I intend to offer this amendment to H.R. 17123, the Military Procurement Authorization Act, when that legislation becomes the pending business in the Senate.

As far as I know, that has been his position and the position of all the cosponsors of this amendment since that time.

In closing, I would only say that it is not the pending proposal that is now at stake. Should the Senate approve this manner of proceeding it would jeopardize prematurely the merits of every proposition developed by any Senator on his own. I would hope the Senate would not vote to turn the orderly spirit of unity and comity in this body into a jungle of legislative one-upsmanship. As Senators, we stand equally in approaching our legislative opportunities. I hope we remain so.

At an appropriate time I shall move to table the pending amendment.

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

Mr. ALLOTT. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, having heard that a motion to table will be made, I shall vote against it, although I would oppose the proposed amendment whether it be offered today or on the authorization bill.

Mr. President, I see nothing wrong with voting on this proposal today. We all understand it. We have facing us a long, hard summer. We have spent nearly 8 weeks on this matter. The authorization bill is to be called up some time in July. The Chair will recall that last year we spent 8 weeks on the ABM in the authorization bill. Add prolonged debate on the McGovern-Hatfield amendment if offered to the authorization bill, and we could well be in here until the middle of the fall before we disposed of the authorization for the ABM as well as the McGovern-Hatfield amendment.

I can understand very well the concern of the majority leader for Senate procedures. The fact that this concern has been shown here today makes me very happy, as it always has.

But I would hope that those people who have been most concerned about the so-called disruption of Senate procedures, the members of the Foreign Relations Committee, will take another look at what they have been doing in the field of armed services.

If there has been any disruption of Senate procedures, I cannot think of any place where it has happened more actively than in the case of the foreign policy committee getting into the business of the Armed Services Committee, to the point where they practically have a subcommittee doing the same kind of work we on the Armed Services Committee are supposed to handle.

We certainly do not get into the field of foreign relations. While I can understand that there is a place for the discussion of armed services problems within the foreign policy committee, I do not think it is their sole function. I remember last year, speaking again of Senate procedures, when this authorization bill was brought to the floor—and, mind you, I do not think there is a bill before Congress that has more attention or is given more study than the military authorization bill, what with the Joint Chiefs of Staff looking at it, the military themselves, the National Security Council, the Office of the President, and the Armed Services Committees of both Houses. I cannot think of any bill that has more attention than these bills. Yet, we stood on this floor for 8 solid weeks discussing amendments that would have destroyed weapons systems; amendments offered, with all due respect, in many cases by Senators who had no experience at all in the related fields.

So, Mr. President, I propose to vote against tabling this measure, because I would like to see it gotten out of the way, and I think we can do that more expeditiously this afternoon on this piece of legislation than by waiting for the heat of July and the greater heat of August, the desire of all of us to get out some time around Labor Day, and the desire of many Senators to begin campaigning. I think it would be wise to dispose of it; and therefore, Mr. President, I propose to vote against the motion to lay on the table.

The PRESIDING OFFICER. Who yields time?

Mr. ALLOTT. Mr. President, I yield 3 minutes to the Senator from Wyoming.

Mr. HANSEN. Mr. President, in the very brief time available to discuss the Allott amendment I would like to discuss two principal points. First, the political implications of what is happening here, and second, the impact this action will have on conduct of the war in Vietnam.

I believe that the McGovern amendment—for which the present amendment is substituted—is designed to keep alive the debate on Vietnam; that its purpose is to keep Vietnam a political issue throughout the summer; and that through this tactic of announcing the text of the McGovern amendment in full, well ahead of time, but attaching it to a bill not to be offered until some distant future date—in this case the military procurement bill—thus not letting the Senate discuss it fully until that bill is finally offered, the proponents of the measure hope to tarnish the record of the Nixon administration in pursuing America's goal of a durable peace in Southeast Asia.

The other major point is the effect a vote today will have on the enemy in Hanoi. Most Senators believe the McGovern amendment will be defeated. When it is voted on, the will of the American people will be expressed in the Senate. And that will is to defeat this measure. Senate parliamentary procedures, however, permit a vote on a motion to table before the vote can be held on the substance. Thus the will of the people, as expressed through this body, can be delayed. Not thwarted, but delayed. And the measure, if further delayed, will give further hope to Hanoi that America will write off its losses in Vietnam as a vain and futile sacrifice. We do not believe this will happen. We know the amendment has already been studied thoroughly, debated fully, and most likely will be defeated. But does Hanoi know this? And even if it knew, so long as the Senate of the United States holds back a vote can anyone expect Hanoi will not await its outcome? And is not this delay directly helpful to the enemies of this country—more specifically, to the enemies of our soldiers over there?

Hanoi has had much success with its ancient policy of waiting, of dividing, and of winning through division. Hanoi still expects to win in the U.S. Senate what it cannot win in Vietnam. This much is very clear. Anything we do to encourage this belief will increase the risks, and casualties, of our boys whom we sent there.

Until the U.S. Senate demonstrates firmly and with finality Hanoi can no more win here than against our forces in the field, the enemy will not move to the conference table.

Thus, the tabling motion to be offered today will give heart to Hanoi and will delay for 6 weeks, or 2 months, any move to the conference table. Hanoi still hopes to make such a meeting one to accept American surrender and not one to negotiate peace.

Some here will vote to table today because the method by which this resolution is now brought before the Senate does not adhere strictly to Senate tradition. I value tradition and I value historic precedent. In this case, however, I consider early peace negotiations, to end this long and terrible conflict, far more important than tradition in this body.

Let us be honest and open; if there was merit to the McGovern amendment

we would vote it up or we would vote it down; but we would do it now.

We would not insist upon delay after delay, because we would know that, as long as Hanoi believes it can win in the U.S. Senate what it cannot win on the battlefield, it will not come to the peace table in Paris.

We would not insist upon delay, because we would know the amendment stands absolutely no chance of passage; not now, not next month, not the months after that.

We would not insist upon delay after delay, because we would know the amendment has absolutely nothing to do with the reality of President Nixon's program of troop withdrawals from Asia.

If the argument of tradition of the Senate, or privileges of committee chairmen is offered in support of delay at this time we would certainly say that no tradition and no privilege is worth even 1 day's delay in getting Hanoi to the bargaining stage in Paris. And despite our concern for tradition, I would hope that our esteemed committee chairmen would realize they actually strengthen tradition by foregoing its exercise when it has so obviously been invoked for purposes so contrary to those for which it was originally conceived.

If the amendment has merit, it would most certainly not be used as a fundraising device through advertisements in the newspapers and on television and mass mailings. Indeed, in delaying a vote on the amendment, we simply allow its continuance as a vehicle for raising money for political campaigns.

Mr. ALLOTT. Mr. President, I yield 1 minute to the Senator from California.

SANCTUARIES AND THE AMERICAN TRADITION

Mr. MURPHY. Mr. President, before I turn to my more formal remarks I want, with humility and compassion, to recite a few words written to me just this week by three constituents of mine. These will be the words of three men who, so far as I know, have never met nor heard of one another. Yet they have much in common. They are Californians, and, more important, Americans, who wear their country's uniform. The have something else in common that should give Senators pause for thought; something profoundly important to the credibility and dignity of the Senate and the history we write in this Chamber. Each of the three has expressed bewilderment, disbelief, and astonishment at some of the remarks made during recent days in their Senate.

I am constrained not to reveal the names of these three fine young Americans since there has not been time to ask their permission to quote them publicly, and to the discredit of many, their families could be the subjects of harassment by those in our country who would divide us and set us upon each other to destroy the fabric of our great Nation. I intend to write back to these young Americans with my personal salute and to express my pride in them, their thoughts, and their deeds.

The first letter comes from a private first class:

DEAR SENATOR MURPHY: Few times in my life have I been so ashamed of my political leaders, as a body, as I am at present. I am not familiar with all the little tricks of your trade, but I have followed the logic of most of your decisions, and, as a rule, have found myself in agreement. But now I am a soldier, and I am in Vietnam. I feel I've been betrayed. The support that my president is trying to give me through our operations in Cambodia and increased flexibility to our leaders is being undercut by a group of senators and representatives who are more concerned with votes than they are with lives. They scream and cry "outrageous" at the death of a student in the process of breaking the law; and yet they stick their heads in the ground to avoid seeing the attempt at trying to reduce casualities here.

Sir, maybe we should never have gotten into this war to begin with; but we did. And I don't want to be here—I just got married in December. But I am here. I'm doing the best job I know how, and so are the rest of the soldiers here; and I just think that the leaders in Washington should stop worrying about whether this is a just war or not. The fact remains that our country has sent us over here to fight a war that our country has engaged itself in. And now the leaders of our country, especially those in the Houses of Congress, are menacing what little safety we enjoy by pulling out our support, and tying our hands as we engage in our own defense. Many here feel that our own Congress has caused the death of more GI's than our more formally declared enemies. You strip us of our defenses and lead us to slaughter, the Viet Cong meet us, man against man. They meet us with some semblance of honor; our own Congress subverts us.

If Congress believes they are saving our lives, sir, they are not.

If Congress believes they are saving money, then why do they appoint men to the academies if they will not listen to the advice of the highly trained professional. And, if this is true, their priority of money over life should be re-examined.

Sir, I know this letter is not very neat—both I and the typewriter I am using are very tired, but I thought that someone might care how I felt about it all. If you could, please pass this around; I'm too tired to write anymore.

I assure the writer of this letter that his words have been passed around and that he gives us rich food for thought and contemplation.

The second letter comes from an Air Force staff sergeant, a man who, as he says, "flies combat missions—which puts me where the action is most of the time." He says:

DEAR SIR: I am writing this letter to express my opinion, and hopefully gain your support of President Nixon's decision to send American troops into Cambodia.

My references, two and a half years in the combat zone. No I'm not a desk worker who picks up the information from "desk pilots" or entirely from the newspapers, but a man who flies combat missions with the Air Rescue Service, which puts me where the action is most of the time. I have worked in North Viet Nam, the Mekong Delta, and now in Laos. I work with, talk to, and sometimes even "Rescue" the people who are actually there, so I can draw my own conclusions about this action.

I firmly and honestly believe that the decision to send troops into Cambodia was a good one, and I might add quite a while overdue. We must not forget that this is a part of the overall plan to withdraw American troops from Viet Nam and continue the Vietnamization program which is moving along quite well, the Mekong Delta being a perfect example of it. I watched this with my own eyes which makes it first hand information.

As a man who is serving under our flag, I would hope and pray that you, our congressional leaders, would examine the entire picture of Southeast Asia, not just selected parts of it, which in reality cannot be discussed intelligently when considered outside their proper context.

The silent majority which I am a part of would like to be heard. We are not organized, we do not demonstrate, we do not tear up colleges and try to destroy our education system, but it is disheartening to know that our nation, as well as some of our leaders, pay attention to this form of dissent. As servicemen we are not allowed to demonstrate, but if we were, ninety five per cent of the G.I.'s in Viet Nam would be on the streets to back President Nixon's decision yet nothing is made mention of this fact in the newspapers, and this in itself is very wrong. We should have one hell of a voice in this matter as we are the ones who are here, doing the fighting and dying, and a lot less people will die now that we have wiped out the enemy's stockpiles in Cambodia.

All of this violence, is this what you want sir? In so many cases it appears so by the way many of our politicians encourage these demonstrators through their words and deeds, and making suggestions of moving to Canada. I have read the constitution and cannot recall anything about desertion in its context, yet this is the same constitution that our leaders are supposed to be supporting. This kind of leadership is extremely dangerous, and these leaders are creating a climate where more terrible things will continue to happen. By making this situation, these leaders are placing their political and party's ambitions ahead of their country's welfare. The mob violence that is associated with these massive demonstrations encourage more demonstrations and more violence so this causes a strong reaction by the authorities to attempt to control the situation, so now the growing circle is complete, "Violence begets Violence."

How can the leaders of this nation encourage these "Mobs" who deliberately confront, stone, vilify, and attack all symbols of authority we have. This form of dissent must stop, and the leaders who encourage it should be pulled out of office so fast they won't have time to look back.

This should not be a political war. There is no need to have any specific party solution, but an American solution. The leaders must work for the good of the nation, not for the good of their party.

Thank you for your time and attention to my letter.

I repeat what this staff sergeant has said:

The leaders must work for the good of the nation.

This is an appropriate time to note that this letter came not from a man who had bathed, shaved, and put on fresh fatigues to meet Senator MURPHY in Vietnam. These words, as those of the private first class I quoted a few moments ago, came from a brave and tired man who is taking his turn at bat, who takes some of his precious free time to tell it like it is.

An Air Force lieutenant was a little more to the point, maybe a little bitter and, certainly, poignant in his plea for his comrades. His words speak for themselves:

DEAR SENATOR MURPHY: I am presently in Vietnam serving as an Air Force Forward Air Controller. Oddly enough I am glad to be here as I feel that as a United States citizen I owe this country more than taxes. And I feel this year at least partially balances the books.

And although by not going to Canada I lost a chance of becoming one of the real heroes of this war, this tour does afford me the opportunity to do something I've wanted to do ever since I started pilot training. And that is petition all the Senators of Congress to risk a little adverse opinion from the youth of America and support one of America's most abused minority groups—the men currently listed as missing in action or as prisoner of war . . .

Cut off our servicemen's pay, you say? Go away and the war will stop all by itself, you say? Abandon our President, give political sanctuary to those who have killed half a hundred thousand Americans, you say? Desert "the men currently listed as missing in action or as prisoner of war," you say? Forget Vietnamization and abandon 800,000 innocents to slaughter, you say? Not that lieutenant. Not that staff sergeant. Not that private first class. Not this Senator. And, pray God, not this proud country.

Where is the newspaper which has printed the remarks of these men? I have read much of those who think differently, so how does it happen these men and so many like them have had to take the recourse of writing to their Senator to be heard. But, then, the building of banks or doing one's job well just is not news, I guess.

To these three, I salute you. I pray for your safety. You are what a real American is all about and we know it. My constituents in uniform—more come from California than from any other State—know the score in this awful ball game we play. They respect their President, and they do their tough jobs. They understand why we are in Cambodia and, perhaps intuitively, our history.

Mr. President, there has been much said in recent weeks in this Chamber about the American incursion into Cambodia to indicate that somehow this is a new policy—a departure from tradition on the part of the United States.

This is far from the fact. History contradicts this.

It is, instead, a return to traditional American policy, and a restoration of our historic approach to a problem which has plagued us—in one form or another—since first we became an independent Nation.

The problem, I believe, can be summed up in its most simple form as this:

What does a sovereign nation do to protect itself against those who attack it from a politically established sanctuary?

The problem is not new. It is not one that is confined to American history alone.

I suppose the first time the problem ever arose was with the advent of piracy, or brigandage, shortly after the dawn of civilization, and the history of these matters has long held high interest for this Senator.

In our own history, the international problem raised its head early. It started with the corsairs who used the permissive havens of the north coast of Africa from which to launch their raids against the mercantile fleet of this newly emerged Nation.

The Barbary coast affair has been mentioned before in this debate, largely in connection with the discussion of the President's powers to conduct American foreign policy. I bring it into this current discussion for another reason—to draw, if I may, a parallel between the situation that existed at the beginning of the 19th century and the situation which exists now, today, in Southeast Asia, in the last third of the 20th century.

The United States early became a trading Nation and plied a brisk commerce with the Mediterranean ports. As a result, American shipping quickly became easy prey to the so-called Barbary pirates that infested the northern coastline of Africa.

The corsairs got their name from the coastline itself—the Barbary coast, a degradation of the word "Berber," the tribe which inhabited the area.

These pirates who inhabited the Barbary coast were, in fact, pirates, although they maintained a fiction that they were the naval forces of the governments of that coast.

The Barbary coast was comprised of a portion of Morocco, Algeria, Tunisia, and Tripoli, now known as Libya. It extended from the Gates of Hercules—or the Straits of Gibraltar—on the west, to very near the mouth of the Nile on the east.

Nominally, this entire area was a part of the Turkish Empire by the time the United States became a nation. That, too, however, was largely a fictitious designation. In fact, the area was composed largely of nearly autonomous states that paid annual tribute to Turkey and derived a large portion of their revenues from piracy, or from tribute paid to them to prevent it.

As early as the last decade of the 18th century these pirates began attacking American shipping. Prior to that time our ships had been under the protection of the British flag and were immune from attack because the British Government had a tribute arrangement with the pirates and paid handsomely for the privilege of sailing the Mediterranean.

It was the early contention of the U.S. Government that Barbary corsairs were, indeed, pirates. Our Government and our shippers maintained that the fiction of being naval vessels of the Barbary states offered them no protection from international law.

International law has always maintained that a pirate does not act against an individual, nor against an individual state, but that his acts of depredation are against all mankind. Therefore a pirate—any pirate—can be brought to justice by any nation. Thus, when the slave trade was declared to be piracy, slave ships were subject to capture by public vessels of any nation, regardless of which flag they flew or where they came from.

This theory had been well established by the British and Dutch in the Caribbean in the 17th century, when their warships moved against the pirates of the Spanish Main despite the fact that most of the acts of piracy had been directed not against them, but against the Spanish and their bullion fleets.

In those earlier cases the European powers moved against such pirate strongholds as Tortuga, for example, even though the island itself was owned by the French, and the British were not at the time at war with France.

Thus, the U.S. Government came to the logical conclusion that the Mediterranean pirates were in fact pirates, and not the legitimate instruments of sovereign powers.

At this the United States attempted to enlist the British and French in their fight against the tyranny of these pirates. United States attempt to elicit support were largely ignored by Britain; France promised only to use her good offices with the rulers of the Barbary States. Similarly, the Netherlands turned a deaf ear to the request for aid by the United States.

The United States realized it had to go it alone in its battle to protect its trade from the Barbary pirates. A treaty was negotiated with Morocco—least troublesome of the four Barbary Powers—without too much difficulty, and with only moderate tribute.

After a series of long and delicate conferences the United States managed to negotiate treaties with the other three Barbary States: Algeria, Tunisia, and Tripoli. These treaties, unfortunately, were more honored in the breach than in the keeping, just as we see Communist nations doing today.

The first state that openly violated the treaty was Tripoli, which, in May of 1801, declared war on the United States and expelled our consul.

The Pasha also ordered the flagpole in front of the American consulate chopped down.

This was the beginning of 4 years of war with the Barbary States. The United States maintained a naval squadron in the Mediterranean, although for the most part the war was not conducted with much energy. It was largely sporadic, and consisted mostly of isolated encounters with the enemy. At no time did we dignify the situation by formally declaring war.

During 1803 and 1804, Comdr. Edwar Preble, an energetic commander, launched a series of strong attacks against the harbor of Tripoli itself and destroyed some of the harbor's fortifications and a number of gunboats.

Commodore Preble, during the course of one such action, lost the frigate *Philadelphia* which went aground on a reef and was captured by Tripolitan gunboats. The ship was towed into the harbor and the crew of 307 taken prisoner.

A young lieutenant named Stephen Decatur covered himself with glory shortly after that by leading a boarding party into the harbor and sinking the *Philadelphia* at her moorings.

Meanwhile, William Eaton, a former Army captain but now U.S. naval agent to the Barbary States, launched a campaign for more vigorous action. In 1805 Eaton invaded Tripoli from the East.

In Egypt, Eaton had found a brother of the Tripolitan Pasha—a former ruler—and used him as a figurehead to establish a new government. With an army of 400 men—including only a handful of Americans—Eaton attacked and captured the seaport of Dena. He and his small force stood off a number of heavy counterattacks by the Tripolitans.

Eaton's success, together with a

strengthened U.S. fleet in the area, brought the Pasha to terms. His agents negotiated a settlement with the new U.S. commander in the Mediterranean, Comdr. Samuel Barron, involving a small ransom payment for the *Philadelphia* captives and the specification that no further tribute would be paid.

The outcome was not a total success, for the other Barbary States continued to demand tribute, and reinstituted their depredations while we were otherwise occupied during the War of 1812. During that war Barbary sanctuaries expanded, and offered haven to British warships preying on American merchantmen in the Mediterranean.

According to Julius W. Pratt, in his "A History of United States Foreign Policy," the British used Tunis and Tripoli as safe havens from which to attack American shipping.

Britain, with its then unbeatable naval force, could have—at any time during the previous 100 years—wiped out the Barbary pirate lairs. They had not because, as McLeod and Wright note in their history of William Eaton, many in Britain felt the pirates served a useful purpose. Britain's Lord Sheffield is quoted as saying the pirates helped to keep down the trade of smaller nations, such as the United States and the Italian states. This, he maintained, was to the advantage of the British Empire.

In any event, once the War of 1812 was over, the United States determined to end the threat once and for good. This time, to show we meant business, Congress declared war on Algeria, the chief offender.

In 1815, Stephen Decatur and William Bainbridge sailed with squadrons of American naval vessels to the Mediterranean.

Both officers were successful. Decatur captured the Algerian flagship and, blockading the harbor of Algiers, was quickly able to force the Bey of Algeria to terms. The Pasha of Tripoli and the ruler of Tunis quickly accepted American terms when they saw Decatur's ships. Bainbridge arriving a little later with an even stronger squadron, added unmistakable emphasis to U.S. determination.

Thus, the United States took positive action early in its history to eliminate a sanctuary—in fact a series of sanctuaries—from which its shipping and military forces had been attacked with apparent impunity. With this example, England and France followed suit, and the piratical policy of the Barbary States was ended forever.

The long series of military actions in the Mediterranean were to provide more than merely a page in our history books. They provided the basis upon which a solid principle of American policy was founded.

That principle is simply that there can be no such thing as a politically established sanctuary from which an enemy can attack American forces, and into which he can retreat without fear of pursuit.

This, in brief, is the principle which President Nixon has reestablished in his vigorous pursuit of the enemy into its Cambodian strongholds, which were also politically-designated sanctuaries into which the enemy could retreat.

During the Civil War there also arose a series of incidents involving the idea of using safe havens or sanctuaries from which to attack an enemy force.

The most notable involve the attack on St. Albans, Vt., and the raiders *Alabama*, *Florida*, and *Shenandoah*.

Neither the attack on St. Albans, nor the raids by the Confederate ships, brought on direct punitive military action against their source by the United States, although both did bring into play the full weight of U.S. diplomatic capability.

Both sets of incidents did result in action that was clear cut, and further implemented the principle of policy that there can be no such thing as sanctuary for enemy forces.

At the outset of the Civil War, Canadian sympathies were very strongly in support of the northern cause primarily because Canadians themselves were overwhelmingingly antislavery.

This era of good feeling between the Union and Canada was slowly destroyed because of American rancor over the position Great Britain took—a position of neutrality in favor of the Confederacy, as northern officials saw it.

The recrimination against Britain turned into verbal attacks on Canada, and these in turn caused Canadian reaction against the United States.

Despite this bitter feeling, the Canadians were scrupulous in their efforts to remain neutral. Canadian border authorities attempted to prevent Confederate soldiers from using their territory for raids on the North—but not wholly with success.

In October of 1864, a group of Confederate soldiers slipped across the border into Canada and from there launched an attack on the town of St. Albans, Vt. Three banks were looted and one civilian was killed in the raid.

At the moment the United States was embroiled in a desperate, all-consuming struggle. Our Government could not take direct military action. But Secretary of State Seward immediately informed London that the treaty of agreement on the Great Lakes—the Rush-Bagot agreements of 1817—would be ended in 6 months, the formal notice required in the treaty.

The Seward action caused the Canadian Government to take even stronger steps to protect its frontiers from incursions by Confederate troops. Under the threat implied by the quick and firm action by the U.S. Government, the Canadians themselves ended the use of their territory as a sanctuary from which Confederate forces could attack the United States.

Of a much more serious and long-lasting import was the so-called Alabama affair.

Although maintaining that they were neutral as between North and South, the British Government permitted the building of a number of merchant raiders in English shipyards for the Confederacy, and three actually saw service against Union shipping.

Not only were the raiders British built, they were manned by crews recruited in Britain and the British Empire, although the officers were Confederate naval men.

According to historian Thomas A. Bailey only one of the three vessels, the *Florida*, ever actually sailed into a Confederate port.

By far the most famous of the three raiders was the *Alabama* which raided in the Atlantic and Caribbean and captured 71 Union ships. Another, the *Shenandoah*, raided in the Pacific and wiped out the U.S. whaling fleet in the far South Pacific. According to Bailey the ship was drydocked by the Australians, and a number of crewmembers were added in Australia.

The *Alabama* was finally sunk off the coast of France by a Union ship, but the *Shenandoah* was never caught and, indeed, continued her career long after the Civil War had been officially ended. But that did not end the matter by any means. After the war was over a general outcry arose against the British. This vituperation centered on the *Alabama*.

The U.S. Government demanded reparations for the damage done to American shipping by the British built and manned raiders.

Eventually, in 1871 an international tribunal gathered at Geneva, Switzerland, to determine the justice of the case. That tribunal awarded the United States $15 million in damages.

It is noteworthy, however, that the tribunal never would have met had the United States not formally abrogated its treaties with Great Britain to force the British to the conference table.

Again, the United States at the time of the action could not muster enough force—due to the facts of the Civil War—to attack the British with military force. However, it did bring every possible pressure to bear through diplomacy—and eventually did reestablish in the eyes of the world the principle that American citizens and American property cannot be attacked with immunity from a politically established sanctuary.

The Decatur-Bainbridge expedition to the Barbary Coast firmly established a principle of American policy which stood for over 135 years: There is no such thing as a sanctuary from which American citizens or American property can be attacked with immunity.

Nowhere, perhaps, has this principle been better demonstrated than in the long history of our relations with Mexico.

From the end of the war with Mexico onward, periods of tension arose between the residents of the Southwestern United States and Mexico, abetted by incursions of Mexican bandits into the United States. They raided American settlements and ranches, drove off cattle and pillaged. There were incidents of wanton killing of American citizens.

The Government of Mexico, throughout the period from the 1850's to 1916, took a bland attitude toward these raiders. At times, the Mexican authorities denied their existence. At other times they admitted to the existence of such bandit gangs, but claimed inability to control them.

There may have been truth to this latter claim. Mexico was ruled from the south-central capital city and the lines

of authority tended to grow exceedingly slender—and sometimes to disappear—between Mexico City and the desert borders with the United States.

Forays of these bandits from Mexico were sometimes aided by rampaging Indians and not a few American outlaws who used the border areas as a safe haven to escape pursuit of U.S. law officers.

This period of tension grew more and more untenable for the people directly involved as victims. They clamored for permission to react, and for Government support.

Thomas A. Bailey, in his remarkable work, "A diplomatic History of the American People," sums up the situation in one pertinent sentence:

> Disorders along the Mexican border during the late 1870's continued to be destructive of American life and property.

To end this destruction, Bailey notes, in June of 1877:

> The Secretary of War issued an order authorizing American troops to pursue raiders across the boundary line.

The Mexican Government objected to this action, but for nearly 3 years the American order remained in force.

Mexican and Indian bandit gangs were pursued, sometimes deep into Mexico, in an effort to bring to an end the brigandage against American citizens.

During the time the Secretary's order was in force the Mexican press clamored for war against the United States.

There is a strange parallel, too, between what happened in Washington during that period and what is happening here in Washington today—90 years later. Foes of President Rutherford Hayes, under whose administration the order was issued, condemned the President for taking so belligerent a course toward Mexico.

President Hayes, however, stood his ground, determined that this principle of American policy, established in 1815, would be the course to follow.

He was determined there would be no such thing as a sanctuary from which Americans could be attacked and killed without the United States doing something to end that situation.

He succeeded. And in this he was backed up not only by the local residents who were the most directly affected, but by the American people and the American press generally.

In this backing of the President, the American people demonstated in the 1870's as the American people always have, that they strongly favor a firm foreign policy when the issue involves American lives.

Despite the firm stand taken by President Hayes in 1877, the forays across the American border continued, although less intense in character.

It was not until 1915 and 1916 that the situation grew so intense that America again had to act.

This time northern Mexico was being used as a sanctuary for attacks into the United States by Francisco Villa—known to legend and popular historians as Pancho Villa.

Villa was a bandit. But he was more than that. He was also a central figure in the struggle for power that was going on within Mexico at the time.

Villa was not hesitant to use Mexican territory as a sanctuary from which to attack Americans. He claimed he was acting in a political manner. His aim was to draw Americans into the internal political dispute within Mexico.

In 1913, President Wilson had supported both Villa and Venustiano Carranza in their efforts to depose President Huerta of Mexico. Finally, Carranza ascended to the presidency but did not act quickly enough on reform measures to please his former friend, Villa.

Villa, on March 9, 1916, raided across the border into New Mexico, attacking the small town of Columbia where 17 Americans were killed.

Wilson retaliated promptly by ordering Gen. John Pershing across the border in pursuit of the bandit chieftain.

President Wilson was determined that no foreign force could use a politically established sanctuary from which to attack Americans, and to which the attacking force could retreat with no fear of pursuit.

The action in 1916 bears a striking parallel to the situation in which we find ourselves today. Territory supposedly immune from American attack was used as a base from which to attack Americans. This is as descriptive of the Cambodian sanctuaries as it is of the Sonora Desert of northern Mexico.

From the first decade of the 19th century until midway in the 20th this was an established principle of American policy.

The idea of sanctuary for aggressive forces was totally alien to American nature, and it was an implicit and traditional part of American foreign policy to destroy such sanctuaries—or at least to make those who used them pay for that use.

But there was a change in American policy in 1950 and 1951 when we became involved in the Korean police action.

Actually, Mr. President, it has been argued that the whole nature of warfare changed after the end of World War II. In a sense this is true. Dozens of armed conflicts have exploded throughout the world since the end of that war and not one of them has been a declared war, in that belligerent parties have not formally declared war on each other.

This change, however, does not, in my estimation, create the kind of situation in which America should—or, in fact, can—abandon its traditions and history.

But in Korea we did abandon one strong principle of American policy. We did permit the creation of a politically developed sanctuary from which enemy troops and aircraft could attack us and to which they could return, safe from pursuit.

A line was drawn. An arbitrary boundary was accepted. American commanders were told they could go no further, regardless of the provocation and regardless of the benefits that accrued to the United States from such an attack.

In the case of Korea that line was the Yalu River.

This destruction of a principle of American policy has carried over into the Vietnamese conflict, and it was an established part of our military position in Vietnam until April 30, 1970, when another great American President displayed the courage and the tenacity to return to an old and well established American principle.

The situation which developed in Korea has a direct bearing on, and is an intrinsic part of, the situation that has developed in Vietnam and therefore must be examined and examined carefully if we are to consider the present military, political, and diplomatic situation in proper context.

It is well to remember that Korea was an undeclared war—just as the hostilities in Vietnam today are.

It is well to recall that a democratic state, supported by the United States, was under attack by a totalitarian state, supported by the Communist world.

The same situation prevails in Vietnam.

There are other similarities.

Among these similarities are the facts that the United States was supported then and is supported now by international agreements and international forces. A score of countries became involved to a greater or lesser degree in Korea. A score of countries have become involved to a greater or lesser degree in Vietnam.

The Communists called the Korean war a war of liberation. The same nomenclature is applied by the Communists today to the war in Vietnam.

North Korea invaded South Korea.

North Vietnamese troops today fight in South Vietnam.

Because there are so many similarities—and because the whole issue of sanctuaries and safe havens revolves around the political and military decisions made during the Korean conflict—we must go into that story in some depth if we are to determine the facts and apply those facts to the present situation. I feel we must apply those facts if we are to arrive at the truth of what is happening today in Southeast Asia.

The situation—in which Korea could become a battleground—was created by international agreement, much as the Vietnamese battleground grew out of international agreements. At the close of World War II Soviet troops were already in North Korea before Japan's surrender had been officially accepted.

The American Government, rather than lose total control over Korea to the Soviets, decided on a joint occupation program with Russia, the division point being the 38th parallel.

After Japan's surrender, the Soviet Union and the United States set up a joint commission which was charged with the responsibility of creating a provisional government for all of Korea. It quickly became apparent the Russians had no interest in such a provisional government, and instead developed their own Communist-led government with heavily armed troops backing its authority north of the demarcation line.

Russian intransigence finally forced the issue, and in September 1947 the United States turned the matter of creating a provisional government over to the United Nations General Assembly. The

Assembly decided to hold a plebiscite with a secret ballot to choose representatives to a new national assembly.

In late 1947, the United Nations sent a commission to Korea to prepare for the elections. The commission visited Seoul in the South but was not permitted to visit the Russian zone.

In January 1948, the United Nations decided to hold elections in such parts of Korea as were accessible to the United Nations commission.

In other words, the election was to be held only in the South where the U.N. had access.

Thus the two Koreas became recognized by the international community of nations.

With the establishment of the Republic of Korea, the United States began withdrawing its occupation forces. By 1949, almost all U.S. troops were withdrawn.

On January 12, 1950, Secretary of State Dean Acheson, in his now-famous Press Club speech here in Washington, designated South Korea as a portion of the world which did not rank at the top in the list of countries we were committed to protect.

On June 25, Korean time, the North Koreans launched a massive invasion across the 38th parallel into South Korea. And the war had started.

The initial Communist invasion of the South was a thundering success. South Korean troops were quickly thrown back; the South Korean capital city of Seoul was captured. American forces, which were landed in July and August of 1950, found rough going and losses for both ROK forces and those of the United States were heavy.

In September, however, the tide had changed dramatically with the superbly planned and executed invasion at Inchon, the seaport for Seoul.

Gen. Douglas MacArthur had sufficient force and materiel to drive the Communists out of South Korea altogether, and to mount an offensive which in a little over a month drove to within sight of the Chinese border in the Yalu River Valley.

By early November the United Nations was discussing methods for consolidating the gains and restoring a unified Korea. The U.N. command was pressing forward at every point. It appeared that all of Korea would soon be cleared of Communist forces.

Then, on November 26, the Chinese army moved. Some 200,000 Chinese troops poured across the border into Korea, sliced through the lines of the 8th Army and isolated pockets of American and Korean troops.

The weather was bitter, and the odds were overwhelming against the U.N. forces. It was only by virtue of extraordinary courage and ability that the U.N. command was saved from total disaster.

The U.N. command's ability to protect itself against the massive assault by the Chinese was enormously hampered by a decision made on October 7 by the United States.

Scholars writing on the subject note the United States—not the United Nations—made the decision not to attack too close to the Yalu River, and not to attack across the border into either Manchuria or the Soviet Union regardless of the provocation.

Martin Lichterman, in the book, "American Civil-Military Decisions," notes this decision in these terms:

> The Military objective (of the October 7 decision) was the pursuit and destruction of the North Korean armies north and south of the 38th parallel. This objective was subject to three qualifications, all three established by the U.S. Government, not by the UN: First, "as a matter of policy" only ROK troops would be used in the border provinces; second, our advance would not proceed unless there had been at the time of the operation no entry of major Soviet or Chinese Communist forces, no announcement of intended entry, and no threat of military action against our forces; and third, no air or naval action would be taken against Manchuria or U.S.S.R. territory. This was the substance of the JCS directive to MacArthur on September 27.

Lichterman makes two very important points here.

First, the directive came from the U.S. Government and not the United Nations.

Second, the directive precluded any air or naval action that might involve either Manchuria or Soviet territory.

After the initial Chinese attacks began, General MacArthur asked permission to bomb the bridges across the Yalu over which the enemy was pouring by the hundreds of thousands of Chinese troops. Permission was denied because the United States was standing by the qualifications it had included in the September 27 JCS message.

Repeated efforts by General MacArthur to get this decision reversed also were rebuffed by Washington.

From that point on, until hostilities ground to a halt over a year later, American commanders in the Far East were hog-tied by that decision in Washington—that no attacks could be made across the Yalu, at any time, or for any reason.

U.S. fliers could and did chase Communist Mig's up to the border, but had to pull up short of the river to avoid disobeying the stricture against possible violation of the Manchurian frontier. The Communist Mig's could attack, then retreat, to their sanctuary and there refit and refuel to attack again, and again.

There were airfields within easy sight of the border, fields that, with our superior air strength we could easily have destroyed. We did not destroy them.

The result was a stalemate in Korea which could not be reversed.

It also set the stage for what happened in Vietnam a decade and a half later.

I do not feel that I need at this point go into the history of what has developed in Vietnam. The history is all fresh in our minds and its details have been often repeated here on the floor of the Senate during the past weeks of discussion on our Southeast Asia position.

The Indochinese Peninsula, with its political divisions, is admirably suited to the use of so-called safe havens, or sanctuaries, for the conduct of warfare. The tactics of the Communists make them admirably disposed to engage in this type of warfare. Finally, the very nature of developments in this particular war is such that the aggressive forces must have these sanctuaries from which to operate.

I have often said without question that were it not for the fact that the Communist forces have had these sanctuaries from which to attack South Vietnam, this war would have ended at the very latest, 3 years ago.

The geography of Vietnam is such that South Vietnam could very easily and quickly have been protected from North Vietnam by even a moderate force. Vietnam is a long and narrow country and is only a few miles wide at the line of demarcation—the demilitarized zone. It is bordered on the East by the sea, and on the West by two neutral countries.

Under any normal circumstances, the United States could have quite simply established a no-man's land somewhere close to the demilitarized zone and permitted no further access to South Vietnam by the North Vietnamese forces of Ho Chi Minh.

These two neutral countries on the West exist, and were neutralized, through a series of agreements to which the United States and North Vietnam were either signatories or active participants—as were a number of other countries.

Under the agreements reached at Geneva in the 1950's, and again in the 1960's, Cambodia and Laos were designated as neutral countries. They were not directly involved in the Vietnamese war and could not become directly involved.

The United States has scrupulously, throughout the course of the war, adhered to those agreements—until April 30 of this year.

The Communists have violated those agreements almost from the very start.

When it became apparent during the mid-1960's that the Vietcong could not sustain itself against the rising forces of the United States and the Vietnamese Republic, the North Vietnamese intervened.

They did so by sending their troops through a circuitous route, down through the mountains in Laos and thence into South Vietnam.

The United States maintained the fiction that Laos was neutral and did little to interdict the North Vietnamese regulars who were using the Ho Chi Minh trail to attack the South.

An even more dangerous situation was allowed to develop in Cambodia. With the obvious connivance of the Cambodian Government headed by the affable, smiling Prince Sihanouk, the Vietcong and North Vietnamese were able to establish sanctuaries within easy striking distance of Saigon, and other principal South Vietnamese towns. They used these sanctuaries as operating headquarters. They used them as warehouses, and they used them as staging areas for attacks into South Vietnam.

It is hard to calculate how many of our American dead were killed by the Vietcong and North Vietnamese who emerged from these sanctuaries to attack. It is impossible to say how much longer this war has lasted because these bases existed, and have been allowed to exist.

We do know that every year military men come to Congress to testify before

the various committees of both the House and the Senate. And every year they say the same thing—that it is impossible to wipe out the enemy or to reduce his strength in any serious degree so long as he has access to these sanctuaries.

Repeatedly, both civilians and the military have advised us to take action against these sanctuaries, that we wipe them out once and for all. By so doing, we have been told repeatedly, we could destroy the enemy's capacity to wage a successful war.

The deep seriousness of this situation has never been more amply demonstrated than during the Tet offensive launched by the Communists in February of 1968.

At that time things seemed to be going well for the allies in South Vietnam. Our forces were on the move. We had wiped out many of the enemy's strongholds in South Vietnam. More and more of the countryside was coming under allied military control. There were more and more defections from the Vietcong. The pacification program seemed to be working fairly well and showed signs of even further improvement.

The enemy, however, could suffer these losses in South Vietnam itself because the Vietcong and the North Vietnamese regulars did not need the bases we were hitting with such regularity and with such great success.

They had something of much greater value to them than any number of bases in South Vietnam could be.

They had their sanctuaries in Cambodia.

So it was that they were able to launch the Tet offensive. They were able to attack in force and with fully equipped troops from the Cambodian border areas and wreak great destruction.

American forces in South Vietnam during that Tet offensive suffered over 900 dead and thousands wounded.

The army of South Vietnam, known as the ARVN, suffered even heavier losses.

But the biggest loser of all were the people of South Vietnam themselves.

Who can forget the awfulness of the attack on the city of Hue?

Who can forget the pictures that came out of Hue?

Who can close his ears to the piercing wail of the dying and those who mourned the dead?

It was an awful blood bath. It was one of the most grizzly episodes in the history of warfare, ancient or modern.

And, I tell you, Mr. President, this Tet offensive would not have been possible without those Cambodian sanctuaries from which it was launched and to which the attacking North Vietnamese and Vietcong retreated after they had done their bloody and awful work.

In that one offensive 900 Americans lost their lives.

And at that time, Mr. President, the American forces in Vietnam were at their peak strength.

The Tet offensive is claimed by the Communists as a major victory. It may well have been a victory. But if it was it has many overtones of the Pyrrhic about it.

Starting in January of 1969 there was a changed policy in Vietnam. Instead of increasing our forces in Southeast Asia, President Nixon began a deliberate and carefully planned program of reducing forces.

Instead of sending an ever-increasing number of young Americans into battle in Vietnam, President Nixon began a policy of withdrawing American forces from that tragic little land.

President Nixon, in making his decision to start reducing American forces, was informed fully of the risks that might be involved. So were Members of the Senate and the House.

We have known for nearly a year that there was always the danger that when our forces finally reached a low enough stage the Communists could once again mount a major offensive.

This time, it was said, the Communist attack would be even more fearsome than the Tet offensive of 1968. And this time, we were told, the Communist offensive might result in the deaths of many thousands instead of many hundreds of Americans.

The President, however, has been determined since taking office that it is absolutely essential to lower the American profile in Asia.

Everything he has said and everything he has done since coming to the Presidency has been along this line. And the sum total of what he has done so far is actually to lower that American profile and to lighten the American presence in Southeast Asia.

The President will not change that course, I am certain.

But throughout this process there has remained that ever-present, ever-increasing, danger posed by the Communist nests across the border in Cambodia.

They have had their sanctuaries.

They have been used to store weapons and supplies.

They have been used as headquarters.

They have been used as staging areas.

And they have been used as retreats into which the North Vietnamese and the Vietcong could crawl when badly hurt on the field of battle in South Vietnam.

The threat grew more intense as the months passed because the American level of forces in Vietnam was being steadily lowered. We had fewer men in Vietnam, and those fewer men were in more danger of being attacked and decimated.

In the past, when faced by such a situation, previous administrations had responded by sending more American troops to Vietnam.

President Nixon chose instead to revert to an old and well established principle of American policy?

Instead of increasing the number of American troops in Vietnam, the President chose to wipe out the sanctuaries from which the attack could be expected to originate.

President Nixon, in his action of May 1, restored to the American people a right which they had been denied since 1950.

He reestablished the principle that there is no such thing as a safe haven established by political action from which an enemy can destroy the lives of Americans and into which he can retreat with impunity.

President Nixon has taken up the long thread of American policy which was first established by Jefferson and Madison and carried forward by other great American Presidents.

Mr. President, I do not wish at this point to sound overly critical of the men who served as Commander in Chief of the United States during the decade of the 1960's. They faced extraordinarily difficult and delicate situations. They faced problems which were at least somewhat lessened for President Nixon by the situations that developed within Cambodia during March and April and, at the same time within the Communist camp.

To be entirely fair in assessing the problems which faced both President Kennedy and Johnson in their conduct of the Vietnam war, the problems they faced were not entirely of their own doing, either.

Cambodia was created—and its form of government guaranteed—by an international conference which served to terminate the French control over Indochina. That conference was a strange one in that it had been called originally to discuss a peaceful settlement of the Indochina conflict and wound up supervising the demise of the French empire in Indochina.

In so doing the Communists had a large hand in the shape that Indochina was to take. The Soviet Union and Communist China both served on the conference team that worked out the details of the settlement, and it is now obvious there could have been no settlement at all if it had not been to their particular liking.

Thus Cambodia came into existence as an independent and supposedly neutral nation. We have seen that it was not, in fact, a truly neutral country. The head of the Government of Cambodia was willing to play with the Communists of both North and South Vietnam. The head of the Cambodian Government was willing to turn its head while the Communists used its territory to build these bases which we are even at this moment in the process of destroying.

It is impossible to believe that there was no connivance on the part of the head of the Cambodian Government throughout the decade of the 1960's. There is too much evidence now being uncovered by our forces and those of the South Vietnamese Army that indicates otherwise. It appears obvious that no group of guerrillas could hide that much rice, that much ammunition, that large an arsenal of weapons, without someone in authority in the Cambodian Government knowing about it.

Obviously, the Cambodian dictator, Prince Sihanouk, knew what was going on. Prince "Snookums," as he was sneeringly referred to by reporters and diplomats, was definitely in cahoots with the Communists.

Like so many dictators he was attracted to the dictatorial regime that Communists hold to. And like so many other political adventures of our time, he decided early in the game that the Communists had the big cards.

As 1969 wore on, and the South Vietnamese Army began to assert itself, and to become, under the aegis of the United States, a strong fighting force, the good

prince decided perhaps he had placed a little too much confidence in the ultimate Communist victory in South Vietnam. And so he went to Moscow and Peking to try and ease the situation.

There is an old rule among dictators that if you want to hold your throne, you stay home. Prince Sihanouk disobeyed that dictum when he started traveling abroad. And when he left Cambodia, he took his personal power over the people with him.

In March the people of Cambodia revolted. They elected their own government, and created a new climate in Southeast Asia; a climate that had never been present when President Kennedy and Johnson were attempting to wage the war in Vietnam.

With the downfall of the Cambodian dictator, Communists in Southeast Asia faced a new and drastically changed situation.

For the first time in over a decade they had the problem of guarding their flanks, and they had to establish for the first time in over a decade a rearguard.

In effect, the Communists found themselves unwanted in Cambodia and found themselves forced to fight on two fronts. They could no longer use their lairs purely and simply as bases from which to attack the South Vietnamese people.

They had to establish their bases as military strongholds which they could protect against an aroused Cambodian people, even though that people was weak and its army not much more than honor guards.

For the first time in over a decade the Communists had to overextend themselves. Always in the past it has been the allied forces in Vietnam that found them selves in this position—of too long supply lines, and fighting on too many fronts at once. Now the Communists found themselves in this untenable position.

Thus, it was, Mr. President, that if there had ever been a propitious moment in the long history of the Vietnamese conflict for the allies to act against the sanctuaries, that moment came at the end of April, and beginning of May, this year.

And President Nixon decided to take advantage of that moment, and to take advantage of that situation.

He allowed the South Vietnamese to move in, and then he ordered American forces to strike.

Mr. President, I would like to sum up the situation which now prevails in Southeast Asia, and the historical precedents which make that move so eminently a part of our tradition, and our longstanding national policy.

First, let me restate the principle to which I have referred here. That principle is this:

No politically-guaranteed sanctuary can exist from which an enemy can attack Americans, and into which the enemy can retreat without fear of pursuit.

That is not a very complicated principle. It is not hard to understand. Indeed, it is a principle which has guided every nation and every military leader throughout history who has been involved in warfare.

The U.S. Government established that principle as a part of national policy at the very dawn of the 19th century.

At that time we were faced with a situation which has many parallels with the situation in which we find ourselves today. The Barbary pirates were attacking American shipping and retreating into their sanctuaries along the Northwest Coast of Africa. Traditionally, no European power had ever really done anything about those priates' lairs. And the Barbary pirates expected nobody would.

The United States first appealed to reason. Then, when that failed, the United States sent naval forces to the Mediterranean with orders to search, seize or destroy the pirates and their sanctuaries.

It took time, but it was done. The ultimate victory came with the expedition of Bainbridge and Decatur in 1815.

We clung to this principle throughout the next 135 years of our diplomatic and political history.

In the case of the British in the period of our own Civil War we chose to use diplomatic force. That force succeeded. First, it succeeded in shutting off the Canadian border to those who would use it as a sanctuary. Second, that diplomatic force prevailed upon the British to make restitution for the damage done to American shipping by sea raiders whom the British supplied and helped to man.

During the decade that followed our Civil War, there was constant and increasing friction with Mexico. Finally, in 1877, President Rutherford B. Hayes moved to send American troops into Mexico to pursue and destroy the bandits who had been harassing Americans, killing our citizens, and destroying our property.

These bandits had been doing much the same thing that the Barbary pirates had done earlier. They were using Mexican soil—which they felt was inviolate—to serve as a base of supplies and a restaging area from which to launch their raids across the border and to which they could return.

In 1916, President Wilson, faced with much the same situation involving Pancho Villa, the Mexican bandit and politician, ordered American troops into hot pursuit. They did pursue and they did destroy the sanctuary from which Villa had attacked and killed Americans.

It was not until 1950 that America abandoned this principle. During the Korean war, both the North Koreans and Chinese were able to use bases located in Manuchuria from which to attack the United Nations forces—primarily American and South Korean. They could retreat to these bases, recoup and recover, and then attack again.

These bases were primarily used for air attacks on the American and South Korean positions. Our fliers could chase the enemy up to the Yalu River, but had to stop short of the border.

As I have noted, this was not a decision made by the United Nations, but rather one made by the United States itself. We cannot, therefore, plead that the decision was forced upon us by the world body—but must confess that it was of our own doing.

There are those who will argue—and perhaps with a good deal of justification—that the situation was tense at the time the decision was made and that we were trying to avoid bringing into the Korean conflict the Chinese Communists, and the Soviet Union.

It is true that this must be considered the major reason for propounding the order not to cross the Yalu in any way or for any reason, regardless of the provocation.

In fairness, however, it must be pointed out this decision was taken before the Chinese entered the war.

It did not prevent them from entering the Korean conflict. Indeed, it has been argued that it made it easier for them to do so.

The decision in Korea was made final on October 7, 1950—based on a Joint Chiefs of Staff message to General MacArthur dated September 27. The September 27 message came 2 full months before the Chinese launched their 200,000-man assault across the border into Korea.

It has been argued with some degree of force that the Chinese were not taking much of a calculated risk in their attack because they already knew the Americans and others of the United Nations force could not, and would not, retaliate by attacking across the Yalu.

At this point in history I suppose the argument is academic. The facts, and facts alone, can speak. And those facts are grim ones.

The Americans gave up the right to cross the frontier and attack the enemy sanctuary across the Yalu. America did it voluntarily.

The Chinese attacked. They attacked, apparently secure in the knowledge they could not suffer at home from the attack.

Unfortunately, the Yalu decision has been used as a precedent in our political-military thinking since then.

That Yalu decision was the one that bound us during the long years of conflict in Vietnam—years in which American lives were lost and thousands upon thousands of South Vietnamese civilians were slaughtered, because the enemy has safe havens from which to attack, and into which he could retreat without being followed.

Most of those safe havens were across the border in Cambodia.

Finally, on the last day of April this year, President Nixon moved to abolish those havens, or sanctuaries.

He permitted South Vietnamese troops to attack, and he ordered American troops to attack.

Those attacks are going well, Mr. President. They are going much better than even the most optimistic military men had hoped. I have been there and I have seen the results. At this point, Mr. President, we should well note the official figures for this victory in Cambodia:

Enemy killed	11,195
Detainees	2,300
Individual weapons captured	20,830
Crew-served weapons captured	2,514
Rice (tons)	6,863
Rice (man-months)	301,972
Rocket rounds captured	44,412

Mortar rounds captured	67,308
Small arms ammo captured	13,885,287
Land mines captured	5,455
Bunkers destroyed	11,593
Vehicles destroyed or captured	429

Mr. President, in conclusion I wish to address myself to only one question, and that question is this:

Is history on the side of the President?

I think the answer is obvious and conclusive.

The answer is: Yes, history is indeed on the side of President Nixon in his attempt to wipe out these lairs in Cambodia from which the enemy has attacked us, and into which the enemy has retreated so long without reprisal.

All of American history supports the action taken by the President of the United States in this decision.

From the very beginning of our history we have held fast to the idea that there is no such thing as a politically established sanctuary from which America or Americans can be attacked.

The President has recognized his obligation to history.

To those who argue that the President has taken a new course, has departed from American tradition, this can be the only answer.

Let me state again that during the decade of the 1960's, when Americans were threatened by an aggressive enemy using Cambodian sanctuaries from which to attack, the response was to send more Americans to Vietnam.

When faced with the same problem in 1970, President Nixon's decision was not to send in more Americans, but to destroy the bases from which Americans are threatened.

That, and that alone, is a departure from past policy. But the policy from which it departs is comparatively new to America.

In short, President Nixon has reasserted an old and well established principle of American policy, and he deserves our unswerving support as do my three constituents and their thousands of comrades who history will surely show did what was right and in the American tradition.

Mr. CHURCH. Mr. President, in behalf of the majority leader, I yield the remaining time on this side to the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. How much time, Mr. President?

The PRESIDING OFFICER. The Senator has 7 minutes.

Mr. STENNIS. Mr. President, I am drawn into this debate at this particular time because of my concern for procedural matters here on the Senate floor as well as in the committees. I am totally opposed to the substance of the amendment, and I think it would be a tragic mistake if the Senate should favor this amendment by voting for it, even though it might never become law.

This is not just an amendment, Mr. President, to a public works bill, or to provide for building an additional warehouse somewhere. This amendment goes to the very vitals of our foreign policy, and it is a direct command that a war now going on be stopped at a certain time, thereby giving our enemy direct notice. I oppose it totally, as I say, on the substance.

But furthermore, this amendment goes to the very heart of much of our foreign policy, and particularly that in Asia, where we already have commitments to Japan, to the Nationalist Chinese, to Australia, to New Zealand, and to a host of others. But particularly this goes to the very heart of what is going to be our policy in Southeast Asia.

I think our primary policy question there—and it is not a happy one at all—is what we are going to do about Asiatic communism in that whole peninsula. That being true, to bring this measure up here as an amendment to a little ordinary shipping and sales bill, and then for it to be brought up in such a way that those on this vote who are for the amendment are going to vote against the amendment, and those that are against it are going to vote for it, I find most objectionable.

Mr. President, what do our people think about that? What do the governments of other nations think about it? As I see it, I think the Senate is on trial. I think we have got to put our house in better order. We have got to stick more to the lines of the respective committees. Perhaps this is a case of overlapping jurisdiction, but I totally agree with the Senator from Arizona that we have become careless. We are overrunning the lines of our committee responsibilities. I do not believe any legislative body can be effective, under our system, unless it does adhere to the legislative committee idea and operates in that way.

This amendment is here without a recommendation by a committee, or any report either against it or for it. It is an important proposition, but one floating through the Halls of this Chamber neither fully analyzed nor debated on its merits.

Do not think that people do not grasp the idea that we are fooling with this thing, and flouting the rules of the Senate. We are not getting to the substance of the problem, but taking off on side roads and side issues, and maneuvering for position or parliamentary advantage of some kind.

Do not think that people do not sense that. I have been home over the weekend, with little chance to talk to the people, but I know the thinking of the average person, and he is the one who is sitting on trial on these matters. I think time is running out on us. If we are not careful, we can continue this procedure until, all of a sudden, opinion will jell on us, and it will be against us.

So, regardless of how we stand on the merits of this amendment, I think we ought to join hands, as responsible Members of this body, with all deference to those who think to the contrary, and line up on our responsibilities for legislating in a sound way, subject by subject, rather than these hybrid propositions, and discharge as best we can our responsibility in that field.

As I have said, I think people see through this. I think they are patient with us now. They are withholding judgment. But time will run out.

I emphasize that I am against the amendment, anyway, in substance—totally opposed—because I think it is wrong in principle. I believe that the entire question of Asiatic communism and what we are going to do about it depends on questions we decide about this war.

Now, to think that someone will bring up an amendment—with all deference to whoever it was—in one afternoon, and we go over a weekend, and vote by agreement at a certain time, to try to settle those things on the merits—and voting on it should be on the merits—we are cutting at the bark rather than getting into the substance of the subject matter, with these grave matters pending and men going to their deaths every day in this war, which everyone wants to end, and which we are all trying to end. But I think we are going off at tangents and on the wrong foot, and we are going to pay in a frightful way.

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

Who yields time?

Mr. ALLOTT. I yield myself such time as remains.

The PRESIDING OFFICER. The Senator has 8 minutes.

Mr. ALLOTT. Mr. President, I could not agree more with the distinguished Senator from Mississippi when he says that this goes to the very heart of this subject. It does go to the very heart; and the Hatfield-McGovern amendment, and every element in it, is exactly what we have been debating in the Senate, every facet, from every view that we could debate it, for the last 6 or 7 weeks.

The Senator from Mississippi says that the Senate is on trial. That is exactly the point of my remarks—the Senate is on trial. For nearly 60 days, this so-called peace amendment has been hanging over the U.S. Senate. For almost 60 days they have been huckstering support for it, as one would sell toothpaste or cornflakes. I think nothing could put the Senate or its individual Members in a worse posture than this.

Since when do we use amendments in the U.S. Senate to raise money, to lobby for, in support of, or against amendments in the United States? The Senate is on trial. Fifty-four days ago it was said—and it was told to the people from whom money was raised—that this matter would be brought up in approximately 30 days.

I want to tell my friend the Senator from Mississippi one other thing. I understand the reasons for his position, but I also want to say this: With respect to the time which has been devoted to this amendment, the Senator from Colorado did not ask for a limitation of time. It was the proponents of this amendment who wanted the limitation of time, not the Senator from Colorado; I did not ask for it.

We will have here an opportunity to put rhetoric aside and to put convictions on record.

In a moment we shall all be able to demonstrate how anxious we are to take a stand on the difficult constitutional and tactical questions involved in the proposal to bind the Commander in Chief with rigid, unprecedented, and—I

believe—unwise and unconstitutional restraints.

I intend to vote against dodging the issue and against departing from settled constitutional practice. I will vote against any effort to table this amendment and, if given the opportunity, I will vote against the amendment.

While we are on this matter, I want to say this. The Senator from Colorado has been called crude, cynical, and crass. Before I took the first move to step on this amendment I consulted the Parliamentarian. So I propose a question, Mr. President, which I hope the Chair will ask the Parliamentarian. What is the status of an amendment by any Member of the Senate once it has been laid down at the desk?

The PRESIDING OFFICER. An amendment submitted or filed and to be printed and to lie on the table has no parliamentary standing, and any Senator, so far as procedure is concerned, could call up such an amendment whenever he has been recognized and such an amendment was in order. The Chair cannot go into the policy.

Mr. ALLOTT. I thank the Presiding Officer very much, because this was the advice I received from the Parliamentarian before I went into this matter.

Last Thursday and Friday I spoke on the Senate floor, listing many reasons why I think it is imperative for us to deal with this measure at this time.

We should vote now because this measure, which is going to come before the Senate sooner or later, is germane to the debate we have been having.

We should vote now because the American people have a right to expect—and do expect—the Senate to make a comprehensive survey of our problems, and not to issue policy statements in drips and drops.

We should vote now because a vote will demonstrate the Senate's ability to make an orderly contribution to policymaking in foreign affairs.

We should vote now because the eyes of the Nation—and especially the eyes of skeptical young people—are on this body. They do not want their Senators to duck the issue.

They have been told that they would have a vote within 30 days, and that was 50 days ago.

But most important, we should vote now because a decisive rejection of the amendment could remove a cloud that overhangs the Senate, remove a cloud that overhangs the country, remove a cloud, yes, that overhangs the President in bringing a speedy termination of the war. If this amendment is adopted, there will be no negotiations, and there is little enough of them as it is.

The President is doing all that is possible to complete the delicate task of disengaging our men from the fighting, safely and with honor. This is the time to encourage the enemy to negotiate. But they will not be encouraged to negotiate if we fall into the trap of voting for a motion to table this amendment. They will never negotiate. By disposing of this proposal, by decisively rejecting it, we will put the enemy on notice that it is time to enter into meaningful negotiations. By voting on it now we will eliminate one more of the enemy's delusive hopes for a rash and precipitous American action that will save the enemy from negotiations.

If we do not defeat this measure, decisively and immediately, we run the very great risk of rendering meaningless all of the previous concessions we have made in the hope of getting a negotiated settlement to the war.

We have stopped the bombing of the north; we have engaged in 14 unilateral and unreciprocated cease-fires; we have begun troop withdrawals; we have even seen an American President remove himself from political life—all in an effort to get negotiations started.

We have sacrificed much for these negotiations. I favor continuing to make every effort to negotiate. But I am afraid that all our future efforts to get meaningful negotiations will be as futile as all our previous efforts so long as this ill-advised measure is hanging over the Senate, the President, and the American people. It can only give Hanoi something to cling to, which it is doing desperately; and once this is resolved, they will know that the will of the Senate and of Congress has been expressed. They hope it stays where it is on the calendar and that, somehow or other, the people of this country may be kept in a turmoil, an undetermined turmoil. It gives Hanoi something to cling to, the hope that it never needs to negotiate and actually need not negotiate as long as we permit this to overhang our heads in the Senate.

Simply by being on the agenda of future Senate business, this amendment gives hope to an enemy whose efforts at military conquest have been blunted.

Rarely does the Senate have an opportunity to do so much good by just voting. If we bring this to a final vote, we will enhance the good name of this body as an instrument of coherent and courageous policy debate. If we defeat the amendment, we will reaffirm settled constitutional practices and serve notice on our enemy that he must enter into meaningful negotiations. By voting this amendment down today, we save American lives. For that reason I urge its defeat.

Mr. MANSFIELD. Mr. President, I move to table the pending amendment.

The PRESIDING OFFICER (Mr. CRANSTON). The question is on agreeing to the motion to table.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing on the motion to table the amendment of the Senator from Colorado.

On this question the yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a pair with the Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the Senator from Iowa (Mr. MILLER). If he were present and voting, he would vote "nay"; if I were at liberty to vote, I would vote "yea." I withdraw my vote.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Louisiana (Mr. LONG), the Senator from Wisconsin (Mr. NELSON), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent, and his pair has been finally announced.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness, and if present and voting, would vote "nay."

The result was announced—yeas 62, nays 29, as follows:

[No. 182 Leg.]

YEAS—62

Aiken	Hart	Pastore
Allen	Hartke	Pearson
Anderson	Hatfield	Pell
Bayh	Holland	Percy
Bible	Hollings	Prouty
Brooke	Hughes	Proxmire
Burdick	Inouye	Randolph
Byrd, Va.	Jackson	Ribicoff
Case	Javits	Saxbe
Church	Jordan, N.C.	Schweiker
Cooper	Magnuson	Sparkman
Cranston	Mathias	Spong
Eagleton	McCarthy	Stennis
Eastland	McGee	Symington
Ellender	McGovern	Talmadge
Ervin	McIntyre	Tydings
Fulbright	Mondale	Williams, N.J.
Goodell	Montoya	Williams, Del.
Gore	Moss	Yarborough
Gravel	Muskie	Young, Ohio
Harris	Packwood	

NAYS—29

Allott	Fannin	Metcalf
Baker	Fong	Murphy
Bellmon	Goldwater	Scott
Bennett	Griffin	Smith, Maine
Boggs	Gurney	Smith, Ill.
Cook	Hansen	Stevens
Cotton	Hruska	Thurmond
Curtis	Jordan, Idaho	Tower
Dole	Kennedy	Young, N. Dak.
Dominick	McClellan	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—2

Byrd of West Virginia, against.
Mansfield, for.

NOT VOTING—7

Cannon	Miller	Russell
Dodd	Mundt	
Long	Nelson	

So Mr. MANSFIELD's motion to table Mr. ALLOTT's amendment was agreed to.

Mr. CHURCH. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. HATFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. THURMOND. Mr. President, I desire to have the RECORD show that although I voted against the tabling motion just completed, I am totally and wholeheartedly opposed to the principal measure, the McGovern-Hatfield amendment.

I took the position I did because it was my hope that we could vote on the merits of the amendment today and thus

dispense with this dangerous amendment once and for all.

In the event of a vote on the merits of the McGovern-Hatfield amendment, I shall vote emphatically in the negative.

MORE TIME NEEDED TO DEBATE M'GOVERN-HATFIELD PROPOSAL

Mr. RANDOLPH (subsequently said). Mr. President, rarely have I supported a motion to table an amendment. It is my general conviction that amendments should be voted up or down on their merits. I have reiterated this belief during the debate on the Cooper-Church proposal.

While holding to this conviction, I nevertheless supported the motion by the majority leader (Mr. MANSFIELD) to table amendment No. 741 introduced by the Senator from Colorado (Mr. ALLOTT). The motion to table in this instance involved a unique set of circumstances.

The move to table amendment No. 741 to Cooper-Church which was identical to the so-called McGovern-Hatfield amendment, was not an effort to evade the basic issue. The proposal of the Senator from South Dakota (McGOVERN) and the Senator from Oregon (Mr. HATFIELD) is to be brought to the Senate for debate and final action at a future date on a more appropriate basic measure. At that time, the original proponents of the amendment will have the opportunity to present their arguments and the Senate can engage in the nature of discussion this vital issue warrants—an opportunity which we did not have in the situation on the Allott proposal. It is essential that there be complete exploration during Senate consideration of all aspects of this amendment. The time element involved in the current legislative situation has prohibited such exploration.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. CRANSTON). The Senate is now under a time limitation of 1 hour, the time to be equally divided.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

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

Mr. HARTKE. Mr. President, I yield to the Senator from Montana without losing my right to the floor.

Mr. MANSFIELD. Mr. President, during the course of the recent vote, it was almost impossible to walk along the back of the Chamber. I would like to respectfully ask the Chair to ask that the Chamber from now on be cleared and that no one be allowed to remain in the Chamber who is not authorized to be here.

I make this request so that the business of the Senate can function better, more efficiently, and more conclusively.

Mr. PASTORE. Mr. President, would the Senator include those who were in the well also?

Mr. MANSFIELD. Mr. President, I include that in my request.

The PRESIDING OFFICER (Mr. CRANSTON). The Sergeant at Arms is requested to keep the Chamber clear of those persons not authorized to be present.

The Senator from Indiana is recognized.

Mr. McINTYRE. Mr. President, will the Senator yield to me without losing his right to the floor?

Mr. HARTKE. Mr. President, I yield.

Mr. KENNEDY. Mr. President, would the Senator yield me 1 minute without losing his right to the floor?

Mr. HARTKE. I yield.

Mr. KENNEDY. Mr. President, I support the McGovern amendment. I support the notion that the Senate of the United States should exercise its constitutional responsibilities in matters of war and peace.

I support, and I believe the people of the Commonwealth of Massachusetts support, the end of American involvement in the war in Indochina by a date certain.

Such a specific date would not only guarantee the sparing of American lives, but it would also give our country the renewal of spirit that is so necessary in our society, in our economy, and in our governmental programs—a renewal that no amount of rhetoric or demonstrations could possibly bring, a renewal of spirit that will only come when the war in Indochina is ended.

Mr. President, I fully realize that the issue before us was brought before the Senate in a manner that violates the traditions of this body. I fully realize that it seems to threaten the plans of Senators who have long labored to end the war. Those Senators have performed a great service and they shall continue to so perform. I shall work with them for the goals we share.

All of these considerations are important on most matters that we consider. But the matter pending before us now is a matter of war. People, soldiers, and children are dying. This is a war, and we have the chance to say whether we want to stop it. I want to stop it. But I fear that time works against us, and I fear that the procedures we have seen employed by some against the Church-Cooper amendment will be employed even more strongly in the future against Senator McGOVERN's amendment. Perhaps it is time for the question of continuing this war to be before us, for the benefit of the public.

It was for that reason that I voted against the motion to table the amendment of the Senator from Colorado (Mr. ALLOTT).

AMENDMENT NO. 648

Mr. HARTKE. Mr. President, I call up amendment No. 648 to the Military Sales Act and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the pending committee amendment insert the following new section:

"SEC. 15. Restrictions on Assistance to Greece.—Unless specifically authorized by law hereafter enacted, no defense article or defense service may be furnished to Greece under this Act or any other law, except that this section shall not prevent the expenditure of funds obligated prior to the date of enactment of this section. The terms 'defense article' and 'defense service' shall have the same meanings given such terms in section 644 of the Foreign Assistance Act of 1961."

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

The yeas and nays were ordered.

Mr. HARTKE. Mr. President, this amendment would prohibit the furnishing of military articles and services to Greece. It is similar to a provision proposed by Senator PELL, and approved in the Foreign Assistance Act of 1969. Joining me as sponsors of this amendment are Senators PELL, HART, NELSON, Moss, GRAVEL, YOUNG of Ohio, BAYH, and CRANSTON.

We offer this amendment not to interfere with the internal affairs of another country, but to express our genuine belief that present U.S. military aid to Greece does not serve, and is, in fact, inconsistent with the national security and interest of the United States. Our present policy seriously threatens the cohesiveness and effectiveness of NATO and serves no useful purpose. And it demonstrates, in a most conspicuous way, U.S. support of the present Greek regime—a regime condemned by most of our European NATO allies.

The existence of the present Greek regime increases the political instability of Europe and the likelihood of a revolution in Greece. Should this happen, we would in all probability be faced with the unhappy choice of supporting the junta against the Greek people or of watching a neutralist or Communist regime supplant it. The political situation in Greece, if it continues to worsen, could well lead to a new Vietnam, this time in Europe.

In view of these disclosures, Mr. President, I deem it important to bring to the Senate's attention a position paper prepared by the Hudson Institute titled "Greece—A New Vietnam?" written by Mr. Elias P. Demetracopoulos, a leader of the resistance movement in the United States against the Greek military dictatorship and with a favorable introduction by the noted U.S. strategic thinker, Herman Kahn, director of the Hudson Institute. Mr. Demetracopoulos writes:

Since 1947, America has played a decisive role in Greece, and, beginning in 1959 with Ambassador Ellis Briggs—now a strong advocate of the Athens colonels—America has pursued disastrous, contradictory and vacillating policies—policies largely influenced by inter-service and personality rivalries. Should these policies be continued the Communists will have an opportunity to organize and lead a liberation movement in Greece, for the first time since the late 1940's, with wide support and backing from non-Communist elements in both Greece and Western Europe. Such a movement, even if led by Communists, would ironically be formed under the banner of returning democracy to Greece. Thus, the tragic makings of a new Vietnam in Greece are all present.

It is very important for Americans to understand that there is widespread belief in non-Communist Europe that Washington was involved, either by commission or omission, in the April 21, 1967, coup and is responsible for keeping the

Athens colonels in power. While the substance of the more extreme forms of these theories has not been proven yet, the United States should realize that these beliefs have done much more than the criticism of the Vietnam war or the De Gaulle policies to undermine basic U.S. positions and interests in this vital area.

In this connection it is very significant that the Johnson administration in December 1967 let down, in a shameful, unbelievable and humiliating way, even the ultraconservative Greek monarchy which, since the Truman doctrine of 1947, has been a basic element of U.S. foreign policy toward Greece. This happened when King Constantine finally decided to overthrow the Junta in his armed but ill-fated attempt.

That is why I strongly believe that an overall and thorough congressional investigation of the U.S. role vis-a-vis Greece would not only be completely justified but also urgently advisable if the blunders of the past are not to be repeated by the Nixon administration and a new "Vietnam" is to be avoided.

On April 21, 1967, a miltary coup in Greece established the first new dictatorship on the European Continent since the Communist takeover of Czechoslovakia. The resulting dictatorial regime has received ample diplomatic and military support from the United States. This regime has also benefited greatly from less formal but highly public displays of U.S. support. American military personnel frequently and publicly associate with high officials of the regime and photographs depicting that association are prominently displayed in the Athens press. For a government ostracized by Western Europe and desperate to give its people the impression that it does have international support, such evidence of acceptance by the U.S. Government is almost as vital as direct military aid. And vast amounts of free military aid from the United States have not been wanting.

Greece receives more U.S. military aid now than before the coup. After the events of April 1967, the United States supposedly imposed an arms embargo against Greece. This embargo, which did not apply to small arms, spare parts, or communications equipment was intended to "demonstrate our concern for the extra-constitutional assumption of power by the present Greek regime."

The embargo, as limited as it is, exists more in name than in fact. In fiscal year 1969, the U.S. Government delivered to Greece, free of charge and at the expense of the American taxpayer, $158.6 million worth of military equipment. This compares with $89.5 million in 1966.

In addition, the Greek Government received $11.4 million in military sales, resulting in a total of $170 million in military equipment being received by the Government of Greece in 1 year.

Military sales to Greece sharply increased in fiscal year 1969. In that year we sold $33.5 million worth of military aid to Greece compared to only $1.4 million in 1966 and $2.1 million in 1965. The following are the sales figures for the fiscal years 1965 to 1969:

	Millions
1969	$33.5
1968	8.7
1967	12.4
1966	1.1
1965	2.1

While we increased our military sales to Greece we also poured into that tortured country great supplies of free military equipment.

I ask unanimous consent that there be printed in the RECORD a table showing the dramatic increase in military equipment given free of charge to Greece.

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

MILITARY ASSISTANCE TO GREECE (FIGURES DEAL WITH ACTUAL DELIVERIES, NOT AMOUNTS AUTHORIZED OR PROGRAMED)

[In millions]

	Deliveries under military assistance program	Deliveries of excess defense articles [1]	Total	Total multiplying "excess" by 4
Fiscal year:				
1969	56.2	[1] 25.6	81.8	[1] 158.6
1968	45.0	2.5	47.5	55.0
1967	44.0	4.2	48.2	60.8
1966	78.7	2.7	81.4	89.5
1965	104.0	5.6	111.6	126.4

[1] Deliveries of excess defense articles are computed on the basis of "utility value." Utility value is about 25 to 30 percent of the acquisition cost. Therefore, for the actual cost to the taxpayer, one should multiply the excess figure by 4.

Mr. HARTKE. The administration acknowledged that, in addition to large deliveries of excess equipment, the United States has sent 22 jet fighter-interceptors, F–102's, to Greece. It has also come to my attention that the Greek junta is currently enjoying the loan of six U.S. destroyers and two submarines.

This is but one more example of the lavish assistance we have given the junta.

It cannot help but reinforce the belief, now current in Greece and much of Europe, that the junta is working for or with the Pentagon. There can be no question but that our Military Establishment is the backbone of this regime.

It is frequently argued that the alleged limited arms embargo should be lifted because it has not brought any changes in the Greek Government. An embargo so modest that it permits the delivery in 1969 of $158.6 million worth of free military equipment and of at least 22 F–102's and eight ships can hardly be faulted for achieving meager results.

A more important question than the effectiveness of the embargo is why this sudden munificence to the Greek colonels at the expense of the American taxpayer. Was there a sudden and urgent threat to Greek existence in 1969, or are we once again equating our leadership in the world with the number of U.S. troops or arms sent abroad?

Our military aid to Greece far exceeds our assistance to other NATO countries. Our military aid to the dictatorial regime of Greece prohibits the opportunity for the rebirth of democracy in Greece, and mocks our democratic ideals and principles.

In order to grasp more clearly the folly of our present policy, we must try to understand the advent and nature of the Greek dictatorship.

How did this Greek military regime which enjoys such clear manifestations of U.S. favor come to power in Greece?

A few weeks prior to the democratic elections scheduled for May 28, 1967—in which an overwhelming victory for the Center Union Party of George Papandreou was expected—two colonels and a brigadier general (Papadopoulous, Pattakos, and Makarezos) executed a military coup. These men used a NATO contingency plan called "Prometheus," which was supposed to be used only if Greece was invaded by a foreign country, to mask their intention to attack their own country. This is a good example of how the proper purposes of NATO were subverted to the political ambitions of the usurping colonels. It also strongly suggests that, having once used NATO defense plans to overturn a government, the colonels can hardly allow realistic NATO military plans to be operational in the future. As is traditional for such events, the colonels used the threat of an imminent Communist takeover to justify their military coup. This claim has been proved to be totally fraudulent. Greek political conditions at the time of the coup show how false it is.

The Communist Party had been outlawed in Greece since 1949, and although it found an outlet for expression of its views through the legal left-wing EDA, or United Democratic Left Party, the voting strength of the party (EDA) had been steadily declining. In the last free Greek elections in 1964, EDA secured only 11 percent of the popular vote—a much smaller percentage than the Communist Party per se received in France or Italy. Furthermore, a continued decline in EDA's voting strength was augured by the continued growth of support for center positions, as demonstrated by the popular vote majority (53 percent) won by the Center Union Party of George Papandreou in the 1964 elections. However, more conclusive proof of the fraudulence of the junta's "Communist threat" allegation is the fact that despite the massive arrests which followed the military coup, no arms, and not one shred of evidence has been produced to substantiate it. Following an extensive investigation of the Greek situation, the European Commission on Human Rights, in its 1,200-page report to the Council of Europe (a body representing 17 European nations, including members of the Atlantic Alliance) made public in April of this year, concluded that there was no danger of a Communist take-over in Greece when the colonels seized power. The report declares:

The Commission has not found that the evidence adduced by the respondent Government (Greece) shows that a displacement of the lawful government by force of arms by the Communists and their allies was imminent on April 21, 1967. Indeed, there is evidence indicating that it was neither planned at that time, nor seriously anticipated by either the military or police authorities.

It is clear that the colonels are raising the false claim of a Communist threat for their own personal gain. And again, U.S. foreign policy seems to be based on blind acceptance of that claim. Communism is real but not every claimed Communist takeover is real. If U.S. foreign policy is to have any meaning or purpose, we must begin to distinguish between real threats and the self-serving assertions of ambitious and unprincipled men.

What is the nature of the regime inaugurated by the coup d'etat? The answer is shockingly simple. It is a military dictatorship ruling by brute force and without the support of any segment of the Greek people. It uses tanks and other military equipment, supposedly part of NATO defense structure, to control and to terrorize the Greek people whose freedom and independence they were designed to protect. Immediately after the coup, approximately 6,000 people were rounded up. The largest number—those the regime suspected of being Communists or labeled "subversives" on the basis of dossiers dating back to the Greek civil war—were shipped to concentration camps on barren islands such as Leros and Yaros. The remainder were mostly politicians of the right, center, and left. Hundreds were placed under house arrest or exiled to remote villages and thousands more were picked up for questioning. Some were released, many to be rearrested at a later date. More recently, an increasing number of political prisoners are either people with no political background or members of the center and the right, whose only crime is opposing the reign of terror of the Papadopoulos regime. At present, according to Greek Government figures, there are approximately 3,000 political prisoners. This figure does not include political prisoners held at various detention centers and security police headquarters or those who live under all sorts of restrictions. Few of the political prisoners have been formally charged, and fewer still have been brought to trial. The few trials which have taken place have been by military tribunal.

But even this is not the entire story. One of the most despicable aspects of the military regime in Greece is its systematic use of physical and psychological torture, ranging from beating to electric shock and drugs. The barbarism of the present Greek regime was most recently revealed in the military trial 2 months ago of 34 Greek intellectuals and professional persons. The defendants' statements read like a series of horror stories and further substantiate the initial disclosures of torture made by Amnesty International (London) in reports dated 27 January 1968 and 6 April 1968, and the award-winning article by Christopher Wren, "Greece: Government by Torture" in the May 27, 1969, issue of Look magazine.

Following extensive investigation, the European Commission on Human Rights, in its report to the Council of Europe made public on April 15, 1970, presented the most conclusive documentation of torture. It concludes that torture is an "administrative practice" and that it is obviously "officially tolerated."

The dictatorial nature of the regime is also evident from the many internal measures the junta has taken since the coup, when it declared a state of siege and martial law. These measures are still in effect. Right after the coup, the regime began systematic purges of the schools, the universities, the trade unions, the bureaucracy, and even the military. The last mentioned is particularly significant because the official U.S. argument for continued support of the Papadopoulos regime rests on the strategic importance of Greece to NATO. Between April 1967 and January 1968, 558 officers were dismissed from the Greek Army. One hundred more were forcibly retired shortly thereafter. The purging of military personnel has not only continued but has spread to the other services—the navy and the air force. An analysis made by the Greek Committee Against Dictatorship in London estimated that by the fall of 1969, one-tenth of the officer corps in the army, navy, and air force had been sacked, and up to one-third had either been transferred to other commands or otherwise rendered ineffective.

The extent of the disintegration of the Greek armed forces should be obvious, and was poignantly indicated in the telling comment made in a recent New York radio interview by Mrs. Helen Vlachos, former editor and publisher of several conservative Greek publications, who escaped from Greece in December 1967: "I know," she said, "that at this moment many ships are still manned by soldiers, they do not have officers—navy officers." And if the intelligence of a journalist does not suffice to prove a military point, two letters should be read carefully and thoughtfully.

The first letter, addressed to Ambassador Tasca, was written by 53 political detainee discharged officers imprisoned in six detention centers and prison camps. In their letter, the discharged officers list as their first anxiety the following:

The deprivation of the Army of its natural leadership, of capable officers, experienced in war. The complete sovietization of Units and General Staff through transformation of the Army from being instruments of the security of the Fatherland into a Civil Guard Organization (Militia) of a regime deeply hated by the people. It is certain that the Greek Army today has been transformed into the oppressor of the people, developing rapidly into a "Praetorian Guard."

This letter by the 53 officers, all with war experience, also states their anxiety over:

The isolation of our country from Western Europe because of the unreasonable application by the dictatorship of methods and policy similar to those in Iron Curtain countries. The psychological and ideological motives of the resistance of the Greek people to Communism have weakened as a consequence of the tactics of the Athens tyrants and the whole western camp is "vulnerable." Today, it is indisputable that Greece, under the present regime of the junta oligarchy, will be the weakest link in the North Atlantic Defense Community. Anti-American feeling is growing in Greece.

The second letter is by Orestis Vidalis, a former brigadier general of the Greek Army now living in the United States. General Vidalis replying on June 8, of this year to an article in the May 28 CONGRESSIONAL RECORD, outlines the deterioration of the Army under a dictatorship:

Military dictatorships take the military away from the barracks, create a climate of division of the Armed Forces in factions . . . bring the Armed Forces in direct opposition with the population, replace experience and talents with inefficiency, and create conditions of discipline to other than the national military hierarchy. This all leads to an unbearable burden that the Armed Forces cannot carry without sacrificing their military competency, cohesion and efficiency.

The disintegration of the Greek Army forces continues to this day. It was reported in yesterday's New York Times that 12 more major generals have been forced to retire. This brings to 60 the number of senior officers retired in the last semiannual review of armed forces personnel.

Also as reported in a June 23 article of the London Times, at least five retired Greek senior naval officers were ordered to be stricken off the naval reserve list for engaging in "antinational activities and propaganda," two other rear admirals were compulsorily retired, Admiral Sotiriou, Deputy Chief of Naval Staff, and Admiral Morakis, Chief of Fleet.

I ask unanimous consent that the New York Times article be inserted in the CONGRESSIONAL RECORD at this point.

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

GREECE ORDERS RETIREMENT OF 12 MORE HIGH OFFICERS

ATHENS, June 26.—The Greek military-backed regime announced Friday the compulsory retirement of 12 major generals, bringing to 60 the number of senior officers retired in the last semiannual review of armed forces personnel.

The announcement said the major generals had received the customary one-grade promotion to the lieutenant general on retirement.

Three other army officers were promoted to lieutenant general, four navy commodores became rear admirals and two air force commodores became air vice marshals.

It was learned that five retired Greek naval officers had been stricken from the reserve list. Sources said they were among eight high naval officers secretly court-martialed last April.

Mr. HARTKE. The disentegration of the Greek Army renders further U.S. military assistance an absurdity. The Greek Army has lost its experienced leaders. Many of the vacancies created by purges, forced retirements, and transfers have obviously been filled, but it does not take military experience to realize that rapid promotion of junior officers based on the need to fill existing vacancies rather than on length of service,

qualifications, and competence builds little more than pretense of military effectiveness or capability.

The Greek Army has been taken from its essential task of national defense and relegated to being a glorified riot control unit to maintain the present dictatorship in power. In its present state, Greek military forces certainly do not add anything to NATO, except an Achilles heel.

Greece is not only a threat to NATO but for the first time in 20 years a breeding ground for communism.

As General Vidalis states:

The dictatorship of the kind we have in Greece achieves nothing more but to directly assist Communism in four substantial ways:

1. By abolishing democracy, which is one of the primary aims of Communism.

2. By creating an ideological vacuum and total confusion in the minds and hearts of our younger generation;

3. By impairing the efficiency of the Armed Forces;

4. By alienating the people of all these countries from the Free World.

These conditions comprise a fertile field for Communism to penetrate, subvert and dominate by force at the first possible opportunity.

Mr. President, I ask unanimous consent that the letters and the articles I have discussed be inserted in the RECORD at this time.

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

LETTER TO THE AMBASSADOR

YOUR EXCELLENCY: We, the writers of this letter are Greek officers who have been held for a long time in the detention centres and prisons of the Junta, our only crime being our plain opposition to the seizure of authority by conspiring colleagues and our basic disagreement with the policy and tactics applied by the Colonels to our people. Similar sentiments and opinions are held by many other officers detained in other prisons and detention centres. They are supported also by hundreds of retired officers discharged by the regime, as well as by most still serving (who, however, cannot speak out . . .). We consider it superfluous to bring to your attention the crude psychological and physical treatment inflicted upon most of us by the Military Security Service in the course of investigation as well as the many indignities and sufferings we have undergone (we and our families) as a result of our opposition to the regime.

All of us who are addressing you are officers with war experience, answering to all the calls made upon us against every form of violence.

(a) We fought against fascism from 1940–1945 in Northern Epirus, in the Middle East, in the National Resistance during the Occupation.

(b) We were fighters in the struggle with the red guerrillas from 1946–1949 at Vitsi, Grammos and in other parts of Greece.

(c) We were protectors from 1950–1954 in Korea of the freedoms guaranteed by the United Nations Charter. Many of us bear on our bodies the wounds, healed or still open, of battle.

The writers have never thought of taking part in political discussion or of belonging to parties or organisations working to injure the nation or opposing the ideas and aims of the Western World. Moreover it is well known that there have never been in the Greek Army deep divisions or factions threatening its solidarity, although the Colonels governing today have destroyed the structure of rank.

At least, we are officers who, in accordance with our military oath, declare once again our loyalty to:

1. The constitutional King of the Hellenes.

2. The Constitution and decrees of the state.

3. Behaviour worthy of faithful and honourable soldiers.

We remain faithful to the letter as well as to the spirit of the Constitutional Charter of the United Nations (abstention from violence and the toleration of violence).

We remain faithful to the principles of the North Atlantic Treaty and especially to the Preamble of the Treaty of 4th April, 1949, determined to guard the freedom of our people, our common liberty and civilisation established on the principles of Democracy, personal liberty and the rule of Law.

Your Excellency: from our struggles and our experience in the Army we know our People; we know its problems, its anxieties and its desires. We will not mention the political and economic problems of our land. (Others are more competent to do this). We will refer briefly to our uneasiness about the Army which, unfortunately, has deviated from its aim and its mission.

Our anxieties are specially concerned with:

The deprivation of the Army of its natural leadership, of capable officers, experienced in war. The complete Sovietization of Units and General Staff through the transformation of the Army from being instruments of the security of the Fatherland into a Civil Guard Organization (Militia) of a regime deeply hated by the People. It is certain that the Greek Army today has been transformed into the oppressor of the People, developing rapidly into a "Praetorian Guard".

The enforced and prolonged absence of the Sovereign from the country, the slander of him and the Royal Family. From the beginning the Sovereign has been the symbol of Trust and ideals in the country, bringing permanence to the entire nation and the Army of Greece. The present situation therefore creates a very serious rupture in legality.

The increasing tide of popular indignation against the Junta and the impossibility of calculating the consequences of a domestic conflict which could not be contained (if it should indeed occur, as we sincerely hope it may not). You may be sure that somehow a third force would be created which could not be controlled.

The isolation of our country from Western Europe because of the unreasonable application by the dictatorship of methods and policy similar to those in Iron Curtain countries. The psychological and ideological motives of the resistance of the Greek people to Communism have weakened as a consequence of the tactics of the Athens tyrants and the whole Western camp is "vulnerable." Today it is indisputable that Greece, under the present regime of the Junta oligarchy, will be the weakest link in the North Atlantic Defense Community. Anti-American feeling is growing in Greece.

The dogmatism of the regime:—following the Communist method—"all that are not with us are against us"; all having different opinions about the wishes of the regime are acting antinationally. The tragic consequences of these dogmas are known to all. The world has paid many times in blood and humiliation for the results of convictions which are expressed as dogmas.

The constantly threatening danger of an irregular war which might break out in a sensitive corner of our land: Macedonia and Thrace. We, as a responsible General Staff (of the national forces and of NATO), well know that under present conditions in Greece this region constitutes a grave danger, because it allows the enemy to decide to proceed to warlike activities under the pretence of the "liberation" of Greece and the restoration of Democracy.

Your Excellency, the anxieties we mention above, stated dispassionately and with the understanding of reality, are the uneasiness and the anxieties of all free and responsible thoughtful Greeks.

Which is preferable for your country and for NATO—to help the Greek people (from the beginning steadfastly inclined to Western ideals) or to support and help the oppressors of this people?

Do you intend helping with military material and arms the Junta which has transformed our Army into a force policing our people?

Will you continue to support the Junta so that a regime without freedom may be established in our country, resembling that of the satellites of the Iron Curtain? What, then, will be the difference between us and the Eastern bloc?

Will you continue to support the tyranny which is inclining the mind of our people towards Communism. Is it essential that a new Vietnam should be created in Europe also?

Will you accept as true the lies of the Athens Junta which is condemned by world public opinion and allow it to continue to utter falsehoods about the return of the country to Democracy, when, in fact, the regime by radical institutional changes is planning to perpetuate the present situation?

Is it true that our country contains an important strategic position on the South East flank of NATO and that you are interested in her military bases? Is it preferable that you should have around these bases a friendly, allied people or a people of hostile disposition?

On your political and diplomatic skill will depend the maintenance of the friendship of your people for the U.S.A. You may be sure that if you succeed in this, your very difficult work will have led to a favourable conclusion, to the benefit of Greece and of your great country.

With esteem.

53 political detainees discharged officers imprisoned in: Detention Centre EAT/ESA, Varybody; Detention Centre EAT/ESA, Drosia; Detention Prison, Korydallos; Detention Prison, Trikalla; Criminal Prison, Corfu; St Prison, Salonica.

TOLEDO, OHIO,
June 10, 1970.

Hon. VANCE HARTKE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: In view of the current situation in Greece, I consider it my responsibility to make a copy of my letter to Congressman Sikes available to you for your information.

Sincerely yours,

ORESTIS VIDALIS,
Former Brigadier General,
Greek Army.

TOLEDO, OHIO,
June 8, 1970.

Hon. ROBERT L. F. SIKES,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN SIKES: I am a former Brigadier General of the Greek Army. I was the Chief of Staff of "C" Army Corps until December, 1967.

As a young Lieutenant, during the German occupation, I escaped from Greece and joined the Greek forces in the Middle East.

After the liberation of Greece, I commanded artillery units and participated in all major operations against the Communists.

I attended the U.S. School of Artillery in Ft. Sill, Oklahoma (1950), the U.S. Command and General Staff College at Fort Leavenworth, Kansas (1952), and; I served with the Standing Group of NATO in the Pentagon between 1954 and 1957.

While with the NATO Standing Group, I availed myself of the opportunity to pursue graduate studies at Georgetown University where I received a Masters Degree in Political Science in 1957.

I have been residing in your hospitable country since October, 1968.

You expect, I hope, that an individual who has dedicated his life to a country has the right and the duty to very carefully follow internal and external events as they may affect that country.

In this respect I read with great interest the remarks you extended in the Congressional Record on May 28, 1970.

I was rather surprised when I read the concluding paragraph. You stated: "And we should implement this feeling and attitude in a tangible way by providing the Greeks the means to perform the mission we—and NATO—have assigned to them."

This particular statement raises certain fundamental questions that need to be discussed.

First: It seems to me that you, a congressman representing a segment of the people of this great country, consider NATO as nothing else but a military organization in which one country—"we"—like a military commander, "assigns" missions to a subordinate unit; in this case "the Greeks."

I am proud to be a Greek and I am equally proud to share with the people of America and the people of Greece a deep belief in the ideals of the Free World. I reject your interpretation that this kind of relationship can bind two countries of the Free World together.

Second: Your statement is a very dangerous oversimplification of the interpretation of the meaning and substance of our great Alliance.

Mr. Congressman, the real purpose of NATO is the defense of a form of civilization. The defense of the geographical area is a means toward that end.

If we destroy from within this form of civilization, the defense of the area becomes meaningless.

I must clarify that I did not invent this interpretation, which is the belief of many leaders and thinkers in the Atlantic world. I am happy to remind you of President Nixon's recent and most eloquent interpretation, which is contained in a statement he made to the NATO Minister in August, 1969. He stated:

"NATO means more than arms, troop levels, consultative bodies, treaty commitments. All of these are necessary. But what makes them relevant to the future is what the alliance stands for. To discover what this Western Alliance means today, we have to reach back not across two decades but through the centuries, to the very roots of the Western experience.

"When we do, we find that we touch a set of elemental ideals, eloquent in their simplicity, majestic in their humanity; ideals of decency and justice, and liberty, and respect for the rights of our fellow men. Simple, yes; and to us they seem obvious. But our forebears struggled for centuries to win them and in our own lifetimes we have had to fight to defend them.

"These ideals are what NATO was created to protect. It is to these, on this proud anniversary, that we are privileged to consecrate the alliance anew. These ideals—and the firmness of our dedication to them—give NATO's concept its nobility, and NATO's backbone its steel."

Third: You emphasize the strategic position of Greece, very rightly so, but it seems you overlook the fact that the European Nations, at least, equally concerned with European strategic problems.

You are certainly aware, that all European NATO governments, with the sole exception of France—which does not participate in the military efforts of the Alliance—have expressed their complete opposition, to the trend of adding one more dictatorship in the family of NATO Nations. They obviously consider the price paid for a police state type law and order situation in Greece is very dangerous in the long run for NATO.

It seems, on the other hand, you consider that what matters now is that, "when aircraft of our (US) Air Force land in Greece, our people are treated just like the Greek Air Force." You perhaps forget that this was always the case in Greece in the past.

Obviously, there is a difference in perspective between you and the Europeans.

Fourth: I regret to say I totally disagree with the following fundamental points you raised in your statement:

a) You consider that the dictators can "raise good questions" which "could well be raised" in this country.

Is this why we fought World War II, to indicate now that Democracy is obsolete and that the dictators can teach this Nation what the real meaning of freedom is?

b) You accept violence in Greece—the mutiny of the Colonels is a form of violence—but you reject, and very rightly so, violence in your society.

c) You say that, "We in this country should exercise restraint in criticizing the Greeks for the way they are running their country." Obviously, you are not aware that the Greeks are not running their country. You overlook the fact that the country is run by a very small minority who does nothing else but to humiliate the proud people of Greece by advancing obsolete doctrines like, "The people is an instrument of the State." I am certain that you reject for your society this doctrine, as I reject it for both societies—the American and the Greek, and mankind as a whole.

Fifth: The tanks, the planes, and the ships are manned by men in uniform who must be supported by the will of the people of the countries of the Alliance. The people of the Alliance will support the Armed Forces only if they are convinced they are united for a great cause, far more superior, more solid and more humane than the cause the Communist world is struggling for.

This is not the case today in Greece. The people of Greece are frustrated, confused, and alienated from all those who support or tolerate a dictatorship that exists only through its sole weapon, "The Martial Law."

I can assure you your statement has made the dictatorship very happy, but it has made the "Greeks" extremely unhappy and more confused. It certainly has reduced the confidence of the people of Greece in the U.S.A.

Sixth: I would like to remind you that all military dictatorshps take the military away from their barracks, create a climate of division of the Armed Forces in factions (according to the loyalty towards the ruling group), bring the Armed Forces in direct opposition with the population, replace experience and talents with inefficiency, and create conditions of discipline to other than the natural military hierarchy. This all leads to an unbearable burden that the Armed Forces cannot carry without sacrificing their military competency, cohesion and efficiency.

These are all intangible factors that are not accessible to foreign observers for measurement and evaluation, especially in peacetime.

Seventh: The dictatorships of the kind we have in Greece achieve nothing more but to directly assist Communism in four substantial ways:

1. By abolishing democracy, which is one of the primary objectives of Communism.

2. By creating an ideological vacuum and total confusion in the minds and hearts of our younger generation.

3. By impairing the efficiency of the Armed Forces.

4. By alienating the people of all these countries from the Free World.

These conditions comprise a fertile field for Communism to penetrate, subvert and dominate by force at the first possible opportunity.

Many examples remind us of these inevitable evolutions. I will mention two. Castro succeeded Batista. Greece faced the bloodiest and most costly civil war immediately after the previous dictatorship, the Metaxas dictatorship.

Dear Mr. Congressman: These are the reflections of a soldier who is dedicated to Greece at least as much as you are dedicated to America.

These are the reflections of a free man who respects, without compromise, the ideals that made the U.S.A. the greatest country in the world.

These are the reflections of a believer in the ultimate mission of NATO as a great asset to mankind. NATO has a great potential. By safeguarding its strength, by creating new realistic avenues of unity and cohesion, and by demonstrating, through actions and not words alone, respect to its own ideals, the Atlantic Alliance will achieve much more than the preservation of the Western Civilization.

It will buy for the entire world the time needed for a progressive, peaceful evolution of this transitional period of mankind. This might prove to be the ultimate service of the Atlantic Alliance to the world at large.

This can only occur if the Atlantic Alliance assigns a top priority to the task of transforming the Western ideals into reality.

The "absolute weapon" of the West is *not* a tangible military or technological superiority—it is the intangible ideal of "Repsonsible democracy under the rule of law."

Can we develop and use this "weapon?" This is the challenge of our time.

Sincerely yours,

ORESTIS E. VIDALIS.

[From the CONGRESSIONAL RECORD, May 28, 1970]

A LOOK AT THE REAL GREECE

Mr. SIKES. Mr. Speaker, on April 10 the Premier of Greece, George Papadopoulos, held a press conference in Athens. The subject of the press conference was certain relaxations of the country's laws and regulations in the light of the improved overall situation there. During the press conference Mr. Papadopoulos raised the question of the obligations of the individual to the society in which he lives. He made reference to the cult of absolute personal freedom, and wondered whether such a tendency might transform society into a jungle, a jungle that could be avoided only if the individual is willing to sacrifice part of his freedom for the well-being of those around him.

I think Mr. Papadopoulos has raised some good questions. I think that these same questions could well be raised with respect to some of the things that we are experiencing in our own country. I am not suggesting that the answer to our problems is to be found in the same fashion as has been deemed necessary in Greece. I do say however that we in this country should exercise restraint in criticizing the Greeks for the way they are running their country. We do not have Communist neighbors, we are not a target for Communist penetration, at least from across our borders. We have two wide oceans and two friendly countries with ideals and aspirations essentially the same as our own to our north and south. We can afford, so to speak, a relatively complacent and tolerant attitude that is not permitted the Greeks.

At this time our national policy toward Greece seems to be a quite unrealistic one, involving as it does something called selective suspension of the delivery of certain armaments under our military aid program. When we consider the importance of the strategic position that Greece occupies on the southern front of the Allied Command Europe this selective suspension in the ship-

ment of essential equipment simply makes no sense.

Greece is not a rich country, its financial resources and its industrial capability is limited. Because of this, and because of its membership in NATO, Greece has had to depend on the United States for assistance in equipping its armed forces. The Communist threat is a constant one, and to be effective vigilance and military capability must match this threat. My conversations with responsible American military leaders give complete confirmation to my belief that if we do not regularize our relationship to Greece in the matter of furnishing military aid and assistance we may well find ourselves in very serious trouble in the Middle East.

As I understand it, we are supplying at this time some items required for the repair and maintenance of military equipment now in the hands of the Greeks. But other shipments, the need for which is becoming more and more critical, are now being held up for no apparent reason other than an attempt to mollify portions of the liberal element in the United States that does not seem to have much perception of what is really best for our country. The Greeks need aircraft, and tanks, and ships and if we do not furnish them in the fashion that we previously agreed we will be disregarding the realities of international life.

Every member nation of NATO has its assigned missions. We have ours and the Greeks have theirs. We have undertaken to assist the Greeks equipment-wise in performing the missions that are their job as part of NATO, but we are not living up to our commitments.

We should ask ourselves whether good sense dictates that we allow petulance, if that is the word, to take the place of clear thinking. I would ask myself just exactly what is best for us. And the answer is very clear: provide the Greeks what is necessary to carry out their missions in the Middle East. I want what is best for the furtherance of peace for our own country, for the Middle East, and for the world. As I see it these hopes can be substantially furthered by providing the Greek forces the means to do their part of the NATO job. It is that simple to me.

Some feel that the vision of Bulgaria, with the urging and help of the Soviet Union, striking across the middle of Greece to establish a Mediterranean port for the Communist world is unrealistic. I would rather not take that chance. Some say that is an exaggeration to think that the Turkish Straits might be threatened or that the southern flank of NATO might be destroyed. Maybe they are right, but it is a gamble that I personally do not want to take.

Recently an American Air Force colonel said that when aircraft of our Air Force land in Greece, our people are treated just like the Greek Air Force and significantly that we are welcomed there. I think that we should reciprocate some of this feeling. I think we should view the Greeks for what they really are: a stalwart ally and a very necessary friend in one of the most dangerous and explosive parts of the world today. And we should implement this feeling and attitude in a tangible way by providing the Greeks the means to perform the mission that we—and NATO—have assigned to them.

Mr. HARTKE. The purges in the Armed Forces were paralleled by purges in all spheres of Greek life and perhaps most ominously in the field of education. Many professional and technical centers have been closed, and hundreds of teachers and university professors have been dismissed for their opposition to the regime, contributing to the thorough destruction of the educational system. In addition, textbooks are being completely rewritten in line with the ideology of the military regime. Thus the colonels are engaged in the old totalitarian practice of rewriting history. The national heroes of Greece are now Gen. John Metaxus—military dictator of Greece prior to World War II—and George Papadopoulos, the current military ruler. Also in keeping with the regime's ideology, history textbooks now include chapters denouncing parliamentary democracy. In a textbook for 12-year-olds, for example, it is stated that just prior to the coup "political party quarrels had reached a climax of fanaticism and an electoral orgy was imminent." Civic textbooks generally now argue that parliamentary systems breed corruption and encourage communism.

Democratic procedures and ceremonies have been completely abandoned. General elections have been abolished, parliament has been permanently dissolved, and elected officials—such as mayors—have been replaced by appointed officials. Further indication of the extent of the regime's disdain for democratic procedures, and concomitantly of its intention to control the totality of life in Greece, is its prohibition of elections in professional and private associations. Even sports activities are under the control of the regime, and military personnel are now the appointed officials of numerous sports organizations.

The judiciary, whose independence is the hallmark of any democratic state, has not escaped purging and is now under political control. In May 1968 the Greek Council of State, Greece's supreme administrative court, ruled that previously dismissed judges should be reinstated. Papadopoulos refused to accept this ruling and suspended the provision that high-ranking judges are appointed for life. He then proceeded to dismiss two judges who were deemed "undesirable." On June 27, 1969, Papadopoulos stated:

> The decision of the Council of State which examined the whole case despite the existing flat prohibition—of Constitutional Act KD—is not obligatory for the Government and therefore will be considered as entirely nonexistent.

He also asked the Chief Justice of the Council of State, M. Stassinopoulos, to resign because the latter "made an extreme mistake" in declining to reinstate the dismissed judges. In the end, the Chief Justice of the Council of State was dismissed, an action which precipitated the resignation of 10 members of the Council of State.

The present Greek dictatorship has, like a previous European dictatorship, forebodingly strong anti-Semitic elements. It has been known for some time that Nazi-type pamphlets and publications have been consistently circulating in the Greek Army. In an article in the New York Times of June 4, 1970, Columnist Alfred Friendly, Jr., writes:

> A vehemently anti-Semitic pamphlet that was written by a Greek Armed Forces chaplain, printed on the Armed Forces press and officially distributed to military units in Greece.

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

Mr. HARTKE. Mr. President, I ask unanimous consent to proceed for 10 additional minutes.

The PRESIDING OFFICER. Is there objection?

Mr. CHURCH. Mr. President, first of all, let me inquire about the amount of time remaining under my control.

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. CHURCH. Mr. President, I would ask the Senator, rather than extending the time and thus running counter to the unanimous consent arrangement for all amendments, if I might yield him 10 minutes of my time, so that he might complete his address.

Mr. HARTKE. That is very generous of the Senator from Idaho. I appreciate his courtesy, and will proceed accordingly.

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

Mr. HARTKE. Unfortunately, this is not an isolated instance of the circulation of such material. A similar bias is found in the biweekly newspaper, the Fourth of August, a journal which enjoys unusual freedom of publication and distribution. One of the publishers of the Fourth of August is the private assistant of Colonel Ladas, a member of the military junta. Mr. Ladas himself is a regular contributor to the Fourth of August. The other publisher of the Fourth of August is Costas Plevris, who is the leader of a Hitler-youth type organization of schoolchildren known as "Alkimi" who are equipped with the basic uniform of a Fascist-style youth organization, black jackboots, and hunting knives tucked in their leather belts. Mr. Plevris is the author of a pamphlet entitled Democracy and Freedom published in Athens in 1968 and handed out by the thousands to Army conscripts. The following excerpts from this pamphlet speak for themselves:

> In democracy it is very easy and quite common for unworthy rulers to rise to positions of power. It is unthinkable that any such event could take place in any totalitarian regime . . . Can anyone imagine incapable men as leaders or representations of totalitarian states? No, it is impossible. (page 5)
>
> We believe that something of vital importance for totalitarianism must be made clear. It, as a system of government, can produce a variety of ideas. If it places itself at the service of the anti-national struggle, or materialism and atheism, if it turns against moral values, spiritual civilization, private property and the human personality—then this kind of totalitarianism is communistic.
>
> Conversely, if the aims of totalitarian organization are the defense and advancement of such indissoluble values as: the fatherland, race, religion, private property, the human personality, spiritual civilization and morality—then what we have is the totalitarianism of National Socialism, we have in other words that which we are defending. (page 6–7)

Equally self-explanatory is the following quotation from the July 1968 issue of the Fouth of August:

> There is a certain "Commission of Human Right" which sticks its nose everywhere and *only* when the case involves any effort to prevent the West's downward slide; *never*

where subversion of the West is taking place. Why?

The answer comes readily from an examination of the names of its members—whether today, yesterday, or at the time of its founding . . .

And indeed, today of its 16 members 13 are Jews . . . Isn't that enough to explain everything? (page 11)

The military dictatorship in Greece has proved to be designed for permanence, despite the impressions to the contrary which its spokesmen from time to time have tried to create. After their seizure of power, the Greek military rulers proclaimed to the world that their regime was a temporary one, and that as soon as corruption was eliminated and order secured, democracy would be restored. This was an empty promise put forward for foreign consumption. To the Greek people, on the other hand, the speeches by Papadopoulos, the articles in the pro-junta press, and the contents of textbooks proclaim that the coup of April 21, 1967, was a "revolution" designed to radically transform Greek society and totally precludes any other form of government.

The liberalization moves periodically announced by the Papadopoulos regime are clearly for external consumption only. What the regime tells the Greek people is another story. For example, through the pro-junta Athens daily Eleftheros Kosmos on April 23, 1969, in a long editorial entitled "A Return"—to democracy—"Is Precluded," signed by the newspaper's editor, S. Konstantopoulos, readers were told that Papadopoulos is a national savior who had been planning a military takeover for the salvation of Greece for many years. They are admonished not to expect a return to the old order. All political parties and the King are attacked for failing the Greek national interest. To substantiate his argument, the editor quotes Prime Minister Papadopoulos' statements about radically transforming society, and goes on to say:

The Revolution will fulfill its mission. Nothing will be able to block its work. Whoever does not wish to engage in daydreaming must know that a return to the past is absolutely precluded.

Greeks are further admonished that if they do not want to be ostracized from the life of the nation, they must accept the realities of the revolution of April 21, 1967.

While the Greek people are being advised to adjust to the permanence of the totalitarian regime, the outside world is being presented from time to time with a facade of liberalization. The colonels publicized with gusto the constitution drafted in the latter half of 1967 and put to a referendum in September of that year. While the constitution is hardly a model democratic constitution, the colonels have failed to implement it at all, though pronouncements that one or another of the provisions would be put into effect have on occasion been made. It is also important to note that the timing of these pronouncements has invariably been made just prior to, and in attempt to forestall, some international action unfavorable to the colonels' regime. Furthermore, these pronouncements are followed by a statement that the proferred implementation of the liberalizing measure can be vetoed by Premier Papadopoulos or Deputy Premier Pattakos. The law of the land is still martial law.

Illustrative of the emptiness of the liberalization measures proclaimed by the regime is the demise of yet another newspaper, the eighth major Greek newspaper to cease publishing since the coup. Perhaps wishing to test the relaxation of press censorship announced by the regime toward the end of 1969—while the Council of Europe was reviewing Greece's continued membership and the regime was preparing for the introduction of a new press law—the daily Athenian newspaper Ethnos began to mildly criticize the regime. The newspaper's circulation increased markedly, despite its increased price—reflecting the higher cost of publishing imposed by press regulations on newspapers expected to be seriously critical of the regime—and despite the fact that local officials were impeding distribution of anti-junta newspapers outside of the urban centers. On March 28, 1970, Ethnos published an interview with Mr. John Zigdis in which the former Center Union Minister called for a government of national unity to replace the existing military regime. The result was a trial in which the newspaper's publishers, C. Nicolopoulos, C. Kyriazis, and A. Kyriazis, received prison sentences of 3, 4, and 3 years respectively. The editor of Ethnos, John Kapsis, was sentenced to 5 years in prison; and the paper's 82-year-old director received a sentence of 13 months. In addition, all were heavily fined, as was former Minister Zigdis, who was also sentenced to 4½ years in prison.

The Ethnos case serves to illustrate not only the deception in which the military regime consistently engages, but also the flimsiness of the regime's claim to popular support. In this case, as in another "show" trial which took place at approximately the same time, the list of witnesses for the defense clearly indicates that unalterable opposition to the military regime encompasses the entire range of the Greek political spectrum. Several of the witnesses appeared for the defense in both cases, including former Prime Minister Panagiotis Kanellopoulos, leader of the conservative ERE—National Radical Union—Party, and Mr. George Mavros, former Center Union MP and Minister and Governor of the Bank of Greece.

The list of defense witnesses for the second and larger "show" trial—that of 34 intellectuals and professionals mentioned above—reads like a Greek "Who's Who." I ask unanimous consent that the list of defense witnesses be inserted in the CONGRESSIONAL RECORD at this time.

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

LIST OF WITNESSES

Lady Amalia Fleming, widow of the late Sir Alexander Fleming, discoverer of penicillin.

Pol. Polychronidis, Centre Union MP, former Minister.

Panagiotis Papaligouras, Conservative MP, former Minister.

Constantine Kallias, Conservative MP, former Minister.

George Rallis, Conservative MP, former Minister.

Ioannis Koutsocheras, Centre Union MP.

Dionyssios Anagnostopoulos, Lieutenant-General (retired).

Demetrios Geroyannopoulos, Lieutenant-General (retired).

Athanassios Daskarolis, Lieutenant-General (retired).

Stylianos Manidakis, Lieutenant-General (retired).

Vassileios Panagopoulos, Lieutenant-General (retired).

Demetrios Chatzeprodromou, Lieutenant-General (retired).

Constantine Papaioannou, former High Court Judge.

Antonios Floros, former High Court Judge.

Christos Sartzetakis, former judge of the court of first instance.

Alexander Xydis, former Greek Ambassador to Syria.

Georgios Konstas, former judge of the court of first instance.

Georgios Pyrounakis, priest.

Sakis Peponis, former director of the Greek Radio.

John Pesmatzoglou, Professor of Economics, former Deputy-Governor of the Bank of Greece.

Mr. HARTKE. Mr. President, there is no justifiable reason for the United States supporting the rise of neo-fascism in Europe. Not only is such a policy morally reprehensible, but it is also grossly unpragmatic. The ineffectiveness of the current Greek Army has already been proved. Many Greeks who have been traditionally pro-American are becoming increasingly anti-American. And as though that were not enough, we are also alienating our European allies.

In Europe the situation in Greece is considered of far greater importance than it is here. Not plagued by the Southeast Asian war and much closer to Greece, Europeans are far more aware of the threat which the military regime in Greece poses for Europe as a whole. The European press has expressed fear of the possible spread of Greece's neo-fascism to other countries. Indeed, there is evidence of the Greek regime's cooperation with Italian neo-fascists in plotting a coup in Italy, and within the last 2 weeks, the Greek Cypriote press has been warning of an impending coup in Cyprus organized by Greek Army officers.

On December 12, 1969, Greece withdrew from the Council of Europe, in an attempt to save face, just prior to a vote by the Council's Committee of Ministers which would have suspended her from membership. The decision to expel was taken after 2 years of concern by the Council of Europe over Greece, and after several postponements of such action in order to give the regime time to show some signs or some evidence of meaningful steps toward the restoration of democracy in that country. The Council of Europe found no such evidence. In fact, it found that torture of political prisoners and other violations of articles of the Charter of the Council of Europe continued unabated. Had the Greek regime not withdrawn from the Council before its continued membership was put to a vote, at least 12 member nations would have voted for its expulsion, and several, such as France, would have abstained. Great Britain, West Germany, and Italy were all prepared to vote for

Greece's ouster. Thus, the U.S. European allies were steadfast in their joint opposition to U.S. policy, in spite of the well-known fact that Secretary of State Rogers was in Europe just prior to the meeting of the Committee of Ministers and attempted to prevent the ouster of Greece from the Council of Europe. In addition, the Parliamentary Assembly of NATO, in October 1969, voted 26 to 4, with two abstentions, for a resolution condemning the Greek regime. In the recent NATO meeting in Rome, Norway, Denmark, and the Netherlands raised the question of whether Greece was fit to be a member of NATO.

It should be easy for the United States to join its European allies in condemning Greece and to stop lending the military dictatorship military support. Greece is clearly a European problem that does not involve any competition between the United States and the Soviet Union. In fact, the two friends Greece has are the United States and the Soviet Union. The Soviet Union was among the first to recognize the junta, and it has frequently stated that it wishes to remain on good terms with Greece. Whereas European countries and artists have boycotted festivals in Athens, the Soviet Union has sent its representatives. When the Scandinavian countries refused to participate in the European Athletic Games in the summer of 1969 because they were held in Greece, the Soviet Union stated its athletes would participate. Papadopoulos extolled the East European countries as being the most honest friends Greece has. Also, in the winter of 1969, economic and trade agreements were signed between Greece and the Soviet Union and other Eastern bloc countries. There was an agreement for an electrical generating plant in the Piraeus region. Another agreement with a Soviet firm in November 1969 provides for the Russians to conduct a study on the construction of an electrical plant at Phillipan in Macedonia. Additional agreements were signed for Soviet technicians and scientists to conduct surveys for the exploitation of mineral resources in northern Greece, which incidentally, is filled with Greek and NATO military installations. In addition, Greece has set up a permanent trade mission in East Germany and has signed economic agreements with Albania and Bulgaria. The regime, through Minister of Coordination Nicholas Makarezoz, has urged Greek ministries and state-controlled organizations to show preference for East European countries when buying equipment and machinery. This surely must be the supreme irony of our present policy—that we and the Soviet Union stand alone in our support of the military dictatorship.

Clearly, continued U.S. support of the Papadopoulos regime is a short-sighted policy predicated on fallacies and destined to have disastrous consequences—not only for Greece and Europe, but also for the United States.

The indispensable first action we must take to reverse that policy is adoption by the Senate of the pending amendment. An immediate cutting off of military aid and gifts to the Greek dictatorship would not only deprive it of additional means of internal repression, but also would signal clearly to the Greek people and to our democratic allies throughout the world that the junta can no longer count on American support. That alone could be the single most important step along the road to restoration of a free, strong, and democratic Greece.

Mr. President, for the sake of our own noblest political ideals, let us take that step today.

Mr. CHURCH. Mr. President, I yield to the Senator from Rhode Island. How much time does the Senator desire?

Mr. PELL. Six or 8 minutes.

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

The PRESIDING OFFICER. 21 minutes.

Mr. CHURCH. I yield 8 minutes to the distinguished Senator from Rhode Island.

Mr. PELL. I thank the Senator from Idaho for his courtesy.

Mr. President, I congratulate the Senator from Indiana (Mr. HARTKE) on this amendment, which I think serves a very real purpose.

I wish to recall what we have been seeking to do vis-a-vis the Greek Government over the past years. We have constantly heard that elections will be held and that the junta is being nudged in that direction. We hear privately that it is American policy that democracy be restored in Greece; but when we look for public statements of this policy, we discover they are very hard to find. At no time, except in one appearance before the Committee on Foreign Relations, has the exectuive branch officially and publicly expressed its desire to see an early return to parliamentary democracy in Greece.

My own view is that as is so often the case in our ambivalent Government, we have two separate Greek policies at this time. We have, on one hand the Department of State very sincerely desiring a return to elections and to parliamentary government, and, on the other, the Pentagon and the Department of Defense finding the junta a very convenient government with which to deal. The military find the port of Piraeus a very convenient place for our sailors to take liberty. While this offers certain conveniences from a political and strategic viewpoint it is more a question of convenience than of necessity. Thus, the two policies compete with each other. In our dealings with the Greeks we thrash around between our two policies giving the appearance that the junta is there not only with the approval and acquiescence of, but also with the support, of the American Government.

What the amendment of the Senator from Indiana (Mr. HARTKE) seeks to do, if adopted, is to demonstrate to the Greek people, once and for all, that at least one branch of the U.S. Government takes a dim view of the junta and hopes that the Greek people will enjoy a return to democracy before too long.

It should also be borne in mind that a similar amendment was attached to a bill about 6 months ago, and was reported from the Committee on Foreign Relations, but was then eliminated by a vote of 45 to 37. Subsequent to the defeat of the amendment—which was my amendment—there a rather pious declaration of policy, stating that the Senate urged all possible steps be taken to press the Greek Government to move in the direction of democracy. Since that time, however, we find that not much has been done.

There were statements in the RECORD, and from the executive branch as well, that we would not resume shipments of arms until the junta had taken steps to restore parliamentary government.

I would hope that at this juncture, or in the near future, that a public statement would be made by the executive branch, speaking for both the Departments of Defense and State, that the Greek junta is moving far too slowly in that direction.

I hope very much that this amendment will be adopted. If it is, then such a statement of policy would not be necessary and the amendment would speak for itself.

From a military viewpoint, if the amendment is adopted, we will find that there is an ample amount of supplies in the pipeline for a couple of years, that the Department of Defense would not be inconvenienced by an interruption in the flow of the pipeline, and that there would be little impact or effect upon Greek military efficiency.

With respect to Greek military efficiency, it should be noted that all the senior experienced officers in the Greek Army have been cashiered because of their strong loyalty to the king and to the principles of democracy. Generally speaking all those officers who had fighting experience in the Greek civil war, that is, all officers other than those serving in intelligence, have been cashiered. There are now very few senior officers in the Greek Army who have ever heard a gun fired in anger. Most have previously been engaged in administrative or intelligence work. The Navy is composed mostly of men who are, presumably, still loyal to the King and to democracy. The Air Force is somewhat divided.

The countries which are in greatest need of the NATO defense shield, those which border on the Soviet Union, Norway and Denmark, are the members of the Council of Europe and NATO who wish to have Greece expelled. So it is not fitting for us to say that passage of this amendment will sabotage NATO when the very countries having the most to lose are the ones that want to see Greece expelled, not only from the Council of Europe which she walked out of but also from NATO.

When one considers the whole picture of the Greek military posture, there is need for improvement. Passage of this act will not hamper NATO's fighting ability to any great degree, but it will lend validity to our belief in the preamble to NATO, to the principle that the purpose of NATO is to defend the democratic form of government.

With regard to NATO membership, one may well ask why we exclude Spain, a country where several years ago, well after the Spanish Civil War I was arrested twice, and yet where there is today more personal freedom and due process

than in Greece. Not only is Spain out and Greece in, but we continue to supply the Greek junta with tanks, planes, weapons, and ammunition.

I am not advocating the admission of Spain or advocating the expulsion of Greece, but I am saying that, for the time being, we should hold off further military assistance to Greece and make the point to the Greek people that their junta does not enjoy the support and encouragement of the U.S. Government; and then resume shipments of arms as she moves along the way to Democracy.

As we consider the question of military assistance to the Greek junta, it should be noted that without an additional dollar of obligation the value of military assistance for Greece authorized in past years, but as yet undelivered, is several times the amount of aid which would be denied the junta by this amendment. In other words,—if existing embargoes were lifted tomorrow—something which I certainly hope will not occur—deliveries to Greece could be continued at the presently programed rate for at least 2, and possibly 3 years.

If, on the other hand, the existing embargo is maintained and additional funds are obligated we will simply be adding to an already enormous unused backlog of equipment earmarked for the junta. Given the serious shortage of funds for domestic programs now being starved as a result of Vietnam expenditures, I can see no justification for permitting the Defense Department to buy more tanks in order to store them in a depot until the day comes when they can be sent to Greece. Yet this is precisely what will occur unless the amendment offered by the Senator from Indiana is adopted.

The following figures drawn from the fiscal year 1971 congressional presentation book for the military assistance program, will bear out my assertion regarding the magnitude of military assistance already available for delivery to Greece.

As of June 30, 1969, the undelivered, already funded MAP balance for Greece was $97 million. On top of this, the Department of Defense programed an additional $24.5 million for the current fiscal year thus bringing the total available for delivery or expenditure, through June 30 of this year, to almost $122 million.

Despite the existence of this more than ample authorization an additional increment of roughly $90 million was available to Greece as of June 30, 1969, in the form of undelivered excess defense articles valued at acquisition cost. During the course of the current fiscal year more than $20 million additional excess equipment was earmarked for Greece, bringing the total of undelivered excess equipment to over $100 million as of June 30 of this year.

If one adds the value of undelivered MAP funded and excess equipment the total value of military assistance available to Greece during this fiscal year comes to more than $222 million. In order to arrive at the value of the equipment currently available, one must subtract from this total the value of estimated deliveries of MAP funded and excess articles during the current fiscal year. Unfortunately, the figures for the current year's deliveries are classified so this calculation cannot be completed. Nevertheless, one would be safe in describing the current balance as substantially in excess of the amount of any annual authorized before the coup.

With such a vast quantity of aid already authorized for Greece and with much of the actual equipment having already been purchased and being held in U.S. depots, it is understandable that pressure is mounting from the American and Greek military to lift the present selective embargo. What is not so easily understood is why additional funds are needed at this time.

Even on a crash basis it should take a year or more to deliver all the material now available to Greece and to train Greek personnel in its use. If political conditions in Greece improve during this period the Pentagon could seek new funds for Greece or reprogram other funds and place new orders.

It will doubtless be argued that a prohibition against new obligations for Greece will interrupt the flow of material "through the pipeline." This pipeline concept is one of those fictions for which the Pentagon has become famous. What is involved in the military assistance programs is not so much a pipeline, but rather a continual "rob-Peter-to-pay-Paul" shell game. For example, tanks originally purchased for Greece but embargoed, can be shuttled off to the South Koreans, to the Turks, or to someone else, and a new order placed for tanks for Greece. If for some unforeseeable reason it was decided that the Greeks needed these tanks sooner, there will undoubtedly be other military assistance tanks available which could be delivered to Greece, or U.S. tanks which could be declared "surplus" and given to the Greeks. The latter procedure, I might add, is not unknown to the surplus program.

It has been rumored for some time that the administration is ready to lift the selective embargo on military assistance which has been in effect since the colonel's coup. Our new Ambassador to Greece was recently reported to have recommended such action. It may well be that the administration is awaiting the outcome of the vote on this amendment before announcing its decision.

A vote against the amendment is likely to be interpreted by the administration as a vote to lift the embargo, as well as vote additonal military assistance to the junta. If the amendment is adopted the process of stockpiling equipment for the junta will be slowed down and the administration will have to take the views of the Senate into account as it considers the future of the embargo.

By its action on this amendment the Senate has a unique opportunity to register its opinion regarding the totalitarian practices of the Greek regime. Our vote will be watched by our European allies, many of whose governments have registered their own clear disapproval of the junta in forums such as the Council of Europe, the executive Committee of the Common Market and in the councils of NATO itself. Our vote will also have great meaning to the Greek people, our traditional friends, who are waiting to see whether the U.S. Government will, through a resumption of military aid to the junta, appear to condone the suppression of their liberties.

Such a conclusion will inevitably follow if the embargo is lifted. Last July in testimony before the Committee on Foreign Relations, Secretary Rogers said:

> The suspension will not be removed unless they make some progress toward more parliamentary government.

A year later Greek prisons are still full, mistreatment and, although more discreetly, torture of political prisoners occur, due process is denied, there is still no parliament, and the press is muzzled. This can scarcely be interpreted as even "some" progress. Our vote today on the Hartke amendment presents a timely opportunity for the Senate to register its opinion regarding the progress of the junta in restoring parliamentary government to Greece.

Mr. CRANSTON. Mr. President, I have cosponsored the amendment of the Senator from Indiana (Mr. HARTKE) and now ask that Senators seriously consider the implications of continued American arms shipments to the Greek military dictatorship.

A regime which denies its people basic democratic rights—a regime which has been censured by numerous European governments for its flagrant violation of human rights—a regime which abuses its NATO membership to request arms shipments which are certain to be used to repress the rights of its citizens under the guise of maintaining "internal order"—such a government has no right to receive weapons paid for by American taxpayers.

Many persons have stated that American arms shipments are needed because of Greece's strategic position in the Mediterranean. I cannot deny that Greece is strategically important on NATO's Southeastern flank. However, the presence of the American fleet in the Mediterranean, the stationing of nearly 300,000 American troops in Western Europe and the present military capability of the Greeks are adequate proof that continued arms shipments to Greece are not necessary for strategic military purposes.

Let us take a look at some of the facts:

In 1969 Greece spent $382 million for defense. This amounted to 4.3 percent of their gross national product. In NATO, only Britain, France, and Portugal expended a greater share of their GNP on defense.

Greece has 159,000 men in its armed forces It has 200,000 trained reservists available as well as 23,000 men in its gendarmerie. Besides Portugal, Greece has the highest percentage—8.6 percent—of regular armed forces to men of military age of any country in Europe including the Soviet Union.

The military materiel available to the Greek Government consists of the following substantial items:

One armored division with M–47 and M–48 Patton tanks.
Two battalions of Honest John surface to surface missiles.
One surface-to-air Hawk missile battalion.
Eight destroyers.
Two submarines.

Four destroyer escorts.
Ten tank landing ships.
Sixteen coastal minesweepers.
Three interceptor squadrons composed of F–5A/B's.
Five fighter bomber squadrons with F–84F's.
Two fighter bomber squadrons with F–104G's.
About 30 C–47 and C–119G transport aircraft.

This is by no means a complete inventory of military weapons available to the Greek regime.

To pass legislation making more arms such as tanks and artillery pieces available to the regime which is threatened only internally by its own reliance on repression is for us to betray the Greek people and our past commitments to their freeedom.

At the present time, Greece has more than enough arms to defend herself from external enemies in addition to the nuclear shield provided by the United States. Additional arms shipments to the Greek junta would be a waste of money and increased assistance for a regime which does not deserve our support.

Mr. THURMOND. Mr. President, we have before us a proposal which would cut off the foreign military sales to Greece, thereby crippling the ability of the Greek Government to participate in self-defense and in joint allied defense within the structure of NATO.

We have in Greece a stable government which has introduced many reforms and is working toward more reforms and the broadening of political freedom.

It is my belief that the United States should primarily consider the strategic position of Greece in the Mediterranean, where the Soviet fleets are deployed in increasing numbers. It is of the utmost importance to the security of Europe and the security of all NATO members, including the United States, that Greece be controlled by a strongly pro-Western anti-Communist government.

We have such a government there today, a government that has brought stability to a country that is frequently wracked by political confusion.

It has been alleged that "the people of Greece do not support the Royal Government of Greece and that this Government is somehow tyrannizing its citizens. No one ever says by what means this attitude of alleged hostility is discovered. It is mainly assertion based upon the statements and propaganda of exiled politicians who formerly were creating the conditions for the collapse of Greece into Communist hands.

Recently I received a confidential monograph that was written by a citizen of Greece who studied in our country and has had ample opportunity to view the political systems in the United States and in his own country. This individual is further qualified by degrees in political science and by world travel.

But perhaps the most significant aspect in this paper is the cry of passionate sincerity which comes from the heart. This paper, although lengthy, is written with fire and determination and firm conviction and it is the expression of one Greek citizen for the support of the Government of Greece. The analysis in this paper effectively refutes the slanders which have been brought against the Government of Greece and clearly shows how the exiled leftist politicians are working hand-in-glove with Communist and anarchist elements to once more bring down the Government of Greece.

If we adopt the amendment, we will be cooperating with this unholy coalition, and we will be responsible for destroying the hope of freedom in that country.

I do not believe that the Greek Government would agree with every judgment which is made in this paper. In fact, it is this refreshing objectivity that gives the paper its credibility. The author says:

I am writing this letter because of my great indignation regarding the terrible slanders and libels directed against the present government of my native Greece by the forces of international Communism, who euphemistically label themselves "progressive" and "democratic."

Mr. President, I ask unanimous consent that this letter from a Greek citizen whose name must be withheld because of fear of reprisal be printed in the RECORD at the conclusion of my remarks.

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

(See exhibit 1.)

EXHIBIT 1

HON. STROM THURMOND,
U.S. Senate,
Washington, D.C.

SIR: I am a Greek citizen who obtained his B.A. and M.A. degrees in political science in the United States, and who is presently continuing his studies in Switzerland. Ideologically speaking, I would consider myself a conservative—for example. I was one of those few students of college age who actively supported Senator Barry Goldwater in his presidential campaign of 1964. I am writing this letter because of my great indignation regarding the terrible slanders and libels directed against the present government of my native Greece by the forces of international Communism, who euphemistically label themselves "progressive" and "democratic." Because of your influential position in the United States Senate and the present administration, I feel that you should have a more balanced and impartial picture of the now "infamous" colonels and their government than the leftist-oriented press and enemies of Greece present to the world. Please, sir, believe that what I am about to write is the real truth, as obtained from highly reliable sources both inside and outside Greece, and is based on a great familiarity with this particular nation and area of the world.

WHY THE REVOLUTION TOOK PLACE

Firstly. I would like to suggest a few reasons why the present military regime of Prime Minister Papadopoulos took power on April 21, 1967. This Greek government came to power in order to avert the positive threat of a Communist take over, which would have scarcely differed from the one in Czechoslovakia of August 1968 or in Cuba, a few years earlier. It took power also in order to save the country from the demagoguery of power thirsty politicians who were leading their country toward disaster since they would not realize that the general well-being of the nation was being threatened by irresponsible left-wing radicals, Communists and anarchists—Greece's "progressive forces"—who were planning the above mentioned Communist take over. And lastly, the present regime came to reestablish an order to the chaotic pre-coup situation of the street fights, violent demonstrations, and irresponsible strikes which daily plagued the lives of every law-abiding Greek.

To further support the necessity of the present Greek military government's seizure of power in April, 1967. I would like to mention four measures taken during the pre-coup period which were meant to facilitate the hoped for overthrow of the existing social system—i.e., the planned Communist take over. Firstly, the Papandreou government (1964–1965) began to liberate vast numbers of dangerous Communists who had been convicted by both military and civilian tribunals for the numerous murders and atrocities they had committed against the unarmed Greek population during the bloody Greek civil war (1946–1949). Secondly, large numbers of Greek Communist refugees, who had escaped behind the Iron Curtain after the civil war, were allowed to return to Greece during the government of the late George Papandreou, (father of Andreas Papandreou), and during the caretaker government of Mr. Stephanopoulos. Thirdly, there were subversive and seditious attempts by Mr. Andreas Papandrou to foment revolution within the armed forces in order to destroy the existing social, economic, and political system in the so-called "Aspida" conspiracy of 1965. And finally, during the campaign for the national parliamentary elections which were scheduled to be held on May 28, 1967, Andreas Papandreou had made a bargain with the Communist party of Greece that it abstain from presenting candidates in certain of its electoral districts.

For example if "x" electoral district had three candidates, two of the Centre Union Party and one of the Communist party, for this election the Communist candidate would not present himself for election. Therefore, the traditionally Communist electorate would vote for the third Centre Union seat so that Andreas Papandreou would obtain an absolute majority in parliament, and so that, in such a manner—i.e., by using Andreas Papandreou and his party as a "Trojan Horse"—the Communist party could enter the mechanisms of the nation's government. I believe the above four measures provide adequate reasons, when considered along with the totally licentious and chaotic situation of the pre-coup days, to justify the colonels' Revolution of the 21st April.

As a further support and extension of the above facts, I have enclosed a booklet entitled *Why the Revolution Took Place,* so that you might be able to better realize the gravity of the pre-coup situation by observing the many authentic photographs included in the booklet—it is difficult to falsify pictures, and I, as an eyewitness to many of the events, testify to their validity.

WHY GREECE SHOULD BE SUPPORTED

Secondly, I would like to suggest why the present Greek military government of Prime Minister Papadopoulos should be supported economically, militarily, and otherwise for an indefinite period of time. To begin with, the present regime's attitude toward the North Atlantic Alliance (N.A.T.O.), which is one of strong support, is vital to the defense of the Mediterranean and of the Eastern Mediterranean, in particular, which is already flaming with the incessant Israeli-Arab conflict. I shall attempt to show the importance of such an attitude by giving a brief and superficial summary of the international situation in that part of the world.

If we were to look at a map of the Mediterranean world, we would notice that of the NATO members in that area. Greece is the only stable government devoted to the North Atlantic Alliance and the cause of the Western free world nations. Turkey is of course still a member of NATO, but it has recently been torn by serious domestic strifes and anti-American sentiment—the latter sentiment having already been proven by the different measures taken by the Turkish Government to reduce the American military

presence there, as well as by the permission it granted to Russian fighter planes to refuel at certain bases in Turkey. As for Italy, little needs to be said regarding the extremely serious nature of her internal problems. The situation there is particularly disturbing (even among the left-wing editorialists of the *New York Times*), since in the near future it might prove difficult to prevent the Italian Communist Party (who in the last elections won one-third of the national vote, when one adds to the seats won by the Communist Party those won by its fellow parties), from entering the government coalition—a very bad auger for the North Atlantic Alliance, since, as we recall, one of the first conditions to be met before the Italian Communist Party would agree to enter a coalition government is Italy's definite withdrawal from NATO. And finally, as for France, we all know how she has proven to be a lukewarm partner.

INTERNATIONAL SECURITY

If we were to examine the non-NATO countries of the Mediterranean, we would not be any more optimistic in our appraisal of the future of the free world in that part of the globe. In fact, we would notice that almost all previous Western spheres of influence in the Arab world have been lost to the Soviet sphere of influence—namely, Iraq, Syria, Jordan, the U.A.R. (Egypt), the Sudan, and Libya with its American bases. Yes, the Lebanon is still a western oriented and moderate Arab state, but it is being rapidly undermined now, from both inside and outside, by the forces of the fanatical Palestinian guerrillas whose allegiance is both to Moscow and Peking. As we all know, the Eastern Mediterranean Sea is saturated with Russian warships, and as of the last few days, Egyptian Mig fighters have begun to be flown by Soviet personnel over Egyptian territory and on reconnaissance flights outside—what dismal omens for the future.

In the above two paragraphs, I have attempted to situate Greece within the context of the international situation in that part of the world, in order to demonstrate how vital the present strong pro-NATO and stable government is to the security of the Western free world. Thus, as we can conclude from the above, if this present stable military regime ever fell, we would witness the catastrophic retreat of the Western European frontier of the NATO powers to Germany—certainly, the darkest of prospects for those who like you. Senator Thurmond, believe in the genuine preservation of our Western Civilization.

Another equally tragic result of Greece's retreat from NATO would be the imminent loss of all other Western oriented countries to the Soviet influence in a domino fashion, like the one predicted for Southeast Asia should South Vietnam fall to the Viet Cong and North Vietnamese (a kind of Middle Eastern "domino theory"). For, as we can realize, if Greece should ever be lost to the West, Turkey would be totally surrounded by Communist nations or by nations definitely within the Communist sphere of influence, (i.e. Syria and Iraq), except for its coast on the Medditerranean Sea and its limited border with Iran. Under such circumstances, its security would surely be jeopardized, and its already unstable domestic situation would be exploited by the Communists who are greatly interested in Turkey because of her especially strategic control of the Dardanelles. As a further extension of the "Middle Eastern domino theory," it should be noted, that if Turkey ever fell, Iran, which is now a definitely pro-Western nation, would be completely surrounded by Communist nations or satellites—then, little hope would remain for the oil wells of Saudi Arbia and the Persian Gulf states, which are already surrounded by bellicose Arab states. Perhaps I have fandered a bit from the topic, but I wanted to emphasize the extreme gravity of the present Middle East situation.

ENEMIES OF GREECE

After our examination of the precarious situation of the Mediterranean, we can, no doubt, easily understand how vital it is to have a Greek government which strongly supports the North Atlantic Alliance. Therefore, when we examine the demands of the opponents and enemies of the present Greek government, to boycott Greece and to have her expelled or suspended from NATO, we, the genuine defenders of freedom and democracy, should become even more adamant in our determination to preserve the present stable military Greek regime. Those who are responsible in NATO should take adequate precautions to prevent the irrational demands and pressures for Greece's explusion from NATO, made by Norway, Denmark, Holland, and Italy, from ever being implemented—we need not restate the grave consequences of such an action. (N.B., These latter four nations should be reminded that NATO is primarily a defensive alliance directed against the expansion of Communism, and is not a supper club or consultative assembly along the lines of the Council of Europe.) We should be especially suspicious of the above demands since the originators of these irresponsible requests are the Greek, left-wing Centre Union leader, Mr. Andreas Papandreou, who in his electoral campaign of 1966 advocated Greece's withdrawal from NATO, and the Swedish premier and personal friend of Mr. Papandreou, Mr. Olaf Palme, who has been exercising the discrete pressure on the four above mentioned NATO members, since December, 1969, for them to demand Greece's withdrawal from NATO—need it be stated, that if the free world had to depend on men like Andreas Papandreou and Olaf Palme, it might as well have signed its epitaph. As for the thirty-two American Congressmen who suggested, that Greece be boycotted and even expelled from NATO, we are tempted to believe that they are at best utopian "liberals" who are unable to realize the grave dangers they bring to our western security by listening to the advice of Mr. Andreas Papandreou whose political views make the above mentioned senators seem like arch-conservatives. (N.B., The legislation such as that proposed is nothing less than a hypocritical way of nullifying the spirit and letter of the Truman Doctrine of March 12, 1947, which was one of the major reasons, at the time, why Greece and Turkey did not join most of the other Eastern European states in the Communist camp.)

Thus we have briefly examined the importance of Greece to the North Atlantic Alliance, and, concurrently, the views of the present regime's enemies and primary opponents regarding the same alliance, and can therefore conclude that it is of primary importance to maintain the present regime. For, even if it could be peacefully replaced by a so-called "democratic" regime led by some opposition leader like Andreas Papandreou, (a very dubious hypothesis for the present and near future), such a change would be lethal to Greece and to the NATO defense of the free world of the Mediterranean.

THE CYPRUS QUESTION

Similarly, the present Greek government should be supported because of its moderate and responsible attitude on the extremely delicate Cyprus question. In other words, the colonels believe, as does the president of Cyprus, Archbishop Makarios, that a Cyprus independent of Greece is the best compromise solution to the precarious balance of power between the Greek and Turkish Cypriot communities which was reestablished in 1967, after Greece and Turkey had almost gone to war over Cyprus. Such a moderate and realistic attitude is crucial to the precarious stability in the Middle East, since any attempt at "Enosis" or Union with Greece is an outright violation of the compromise reached in 1967 between the present Greek regime and Turkey, (a compromise guaranteeing an independent Cyprus, protecting the rights of the Turkish Cypriot minority, and establishing a balance of power between the Turkish and Greek military on the island), and would therefore bring Greece and Turkey to war. Certainly the last thing we would want—a war between two NATO nations in an already explosive Middle East.

Unlike the present Greek regime, however, most of the radical left-wing politicians, like Andreas Papandreou and others, who aspire to replace the present military regime, precisely want "Enosis." Why? The treacherous motives behind their support of "Enosis" can be clearly determined by examining the recent assassination attempt on the life of Archbishop Makarios.

It should be recalled that the Greek Cypriot ex-Minister of the Interior, the late Mr. Georkadzis, is strongly suspected, in the trial proceedings presently being conducted in Cyprus, of being the leader of those would-be assassins of President Makarios. (Mr. Georkadzis was found murdered soon after the attempt on Archbishop Makarios' life.) It should also be rememberd that this same Mr. Georkadzis was involved in the attempted assassination of the Greek Prime Minister Papadopoulus by Panagoulis in August, 1968, and subsequently resigned from his post as Minister of the Interior of Cyprus. We can clearly see, therefore, by his involvement in the attempted assassination of the Greek head of state, that this late Mr. Georkadzis, who was known to be a partisan of the Forces for Union of Cyprus with Greece, was also in association with Greek self-exiled politicians who aspire to replace the government.

So what were these treacherous left-wing radicals trying to achieve by attempting to assassinate the moderate Cypriot leader President Makarios? Obviously, they wanted to rid themselves of a moderate president and replace him by an extremist leader like the late Georkadzis who, by trying to unite Cyprus with Greece and also by endangering the lives of the Turkish Cypriot minorities, would violate the aforementioned compromise between Turkey and Greece, and would thus bring the latter two countries to war. And, why should the Cypriot radicals want Greece and Turkey at war? So that their unofficial collaborators, a handful of radical left-wing Greek politicians, (i.e., the enemies of Greece), would have a better chance to overthrow the present Greek regime from behind with Cyprus being the main springboard for the attack, while the Greeks would be busy fighting the Turks. Such treacherous actions remind one very much of the cause and effect relationship between World War I and the Bolshevik Revolution of 1917.

Therefore we can only conclude that the colonels, because of their realistic, moderate, and responsible handling of the delicate and dangerous Cyprus question, deserve to be supported, and that their irresponsible and treacherous enemies deserve to be unmasked, so that the world might know who the real defenders of a free and democratic Greece truly are.

CONSEQUENCES OF CHANGE

Thirdly, the present stable government of Prime Minister Papadopoulos should be supported because of the disastrous consequences of a change brought about prematurely in any of the following three ways: either by another coup d'état grouping all the opponents of the present Greek regime, be they left-wing radicals, Communists, Royalist utopians, or moderate opportunist politicians; or by an election; or by the present government's replacement by a gov-

ernment of technocrats, or non-political figures.

(1) A coup

We can draw the realistic consequences of a change of government brought about in the first manner—i.e., by a coup d'état—by examining the statements made by the avowed Communist Greek composer and Greek ex-Communist deputy, Mr. Mikis Theodorakis, recently liberated from Greece for "reasons of health." In his press conference in Paris on April 29, 1970, he exposed his nine-point plan for resolving the "Greek problem." I shall mention the three points most disturbing for those who, like you, Senator Thurmond, do not want Greece to become another Prague.

(1) All the major members of the present government, a large number of police and army officers, and other collaborators of the present regime shall be judged by special courts. The implication here is clear—after overthrowing the present regime, the left-wing radicals, a few bitter and irresponsible conservative politicians, and others would take their revenge against the nation's genuine conservative elements in a kind of Nuremberg Trial. (N.B., It is already an established fact among Greek self-exiled, left-wing politicians, that a list of above two-hundred military officers, policemen, and members of the government has already been compiled for a "Nuremberg Trial.")

(2) In referring to the Greek shipowners, Aristole Onassis and Stavros Niarchos, Mr. Theodorakis said, "One day they will have to answer to the people, and they will lose everything. Onassis is wrong to amuse himself going to that little island (Skorpios) with his wife. I pity those people, yes, I pity them." (*International Herald Tribune*, April 30, 1970, p. 2.)

(3) Mr. Theodorakis also added that the successors of the present government would re-examine all Greece's economic and military ties. Obviously these last two statements imply a drastic reversal of Greece's present socio-economic system (a Capitalist System). So, that at best we would witness a revocation of all foreign industrial contracts, something like that which recently took place in Peru, accompanied by the nationalization of all private enterprises and property, like the one which took place in Egypt from 1957–1960.

We should not consider these statements of Mr. Theodorakis as representative of only his own personal goals for Greece in the future. For he does echo the viewpoint of Andreas Papandreou, his close friend, George Mylonas, and others, as can be clearly seen in one statement (among many) made by Andreas Papandreou in February, 1967, during his electoral campaign. Here he declared that he would refuse to take the traditional oath to the monarch, if he should win the election, since he considered it something to be abolished along with the Greek Constitution. He also stated that if elected, his government would reconsider all of Greece's military alliances and economic ties in order to establish a "more independent Greece"—an obvious indication of things to come.

The result of any attempt to implement the irrational measures advocated by Mr. Theodarakis and his collaborators is obvious. An armed confrontation would break out between those who succeeded in over throwing the present regime and those of the army and public sympathetic to the colonels who would want to defend their beloved country from being ruined by an amalgamation of opportunists, left-wing radicals, and Communists—i.e., we would witness a bloody civil war in Greece similar to the one in Vietnam. However, with the Middle East and Southeast Asia already in flames, one does not need to add more fuel to the fire.

(2) Elections

As for the second way to prematurely change the present Greek regime—i.e., by elections—the prospects are no brighter. The opponents of the present regime are so bitterly divided, that even in the unlikely hypothesis that the present colonels would abdicate and allow elections, in which they might also present their own party, to take place, the inevitable result would be chaos. For how can a reflective individual believe that a government composed of such an unorthodox alliance of left-wing radicals, Communists, and a handful of opportunists of the liberal right (i.e., a government of National Coalition) could hold one day longer than needed to replace the colonels. Obviously, if the result of all the bickering were not an actual civil war caused by the disagreement over the fate of the colonels and their collaborators, the result would be a chaos and a complete disintegration of the government authority—i.e., a return to the pre-coup situation, and worse. The Communists, who are most apt to exploit such situations in order to overthrow the "disintegrating Capitalist state," could very well bring about a violent social upheaval from within—not a very bright prospect for those who are genuinely interested in maintaining the real freedom of the Greek people.

(3) Government of technocrats

As for the third proposed way of replacing the present Greek regime—i.e., by a government of technocrats—anyone who believes that such non-political figures as the president of the Bank of Greece, the head of the Orthopedic Clinic of the Athens' Hospital, etc., could hold power, is unrealistic, utopian, and, to say the least, extremely dangerous. We have already mentioned the composition of the "alliance" of those who hope to succeed the colonels. One cannot believe that the Communists and left-wing Centre Unionists, who want a complete reversal of the present socio-economic system as well as a "purge" of the present government and its collaborators, and the opportunist politicians, who want back all their unjust privileges which were taken from them by the colonels, could ever agree with the above mentioned government of technocrats, or even among themselves, as to the future of Greece. Again, the result would be either a civil war or complete chaos.

Therefore, one can only conclude that there is no peaceful replacement of the colonels possible for the very near future. In fact, the surest way to insure Greece as a free Western nation is to support the colonels *who will, in time, return gradually to parliamentary democracy.* First, many bitter wounds of the past must be healed before a peaceful return to a parliamentary regime, which all of the government's opponents claim as their primary aim, can be achieved. It would seem much more realistic to let the colonels, who really have the genuine well-being of Greece as their guiding principle, decide when this transition can be made rather than the colonels' opponents—the Communists, left-wing radicals, and a few conservative opportunists—who were the primary reason for the present government's seizure of power in the first place; especially since, as we have seen in the previous paragraphs, these aforementioned opponents definitely do not have Greece's well-being as a guiding principle.

MILITARY LEFT-WING ELEMENTS

A fourth important reason for the present Greek military government to be assisted economically, militarily, and morally is in order to avert, if possible, the very real danger of the latent left-wing minority of the army overthrowing the present rightest, Western oriented leadership. Should Greece's "allies and friends" continue to slander the present leadership and extend their boycott of the country economically and militarily, this aforementioned left-wing minority of the army would attempt to seize power, in a second revolution, as Nasser did in Egypt in 1954, claiming that there is no reason for Greece to support NATO and the Western cause if it is always blackmailed and boycotted by its supposed allies. Therefore, it is obvious that those members of the Council of Europe in Strasbourg, such as Sweden and England, and of the European Economic Community (E.E.C.) in Brussels, such as Germany and Italy, who plan to abrogate their economic contracts with Greece and to extend their economic sanctions of the colonels' regime by reestablishing high importation tariffs on Greek goods, by refusing to purchase Greek exports, and by pressuring the longshoremen in various ports to refuse to load and unload Greek ships, in the hope that big businessmen will then press for the colonels resignation and that the Greek ship owners will stop flying the Greek flag because of their loss of money, are completely utopian to believe that such a deterioration of the Greek economy would result in either the resignation or "democratization" of the present regime.

Certainly, the result of such an economic crisis would not be the hoped for "democratization," but rather a second revolution, Nasser style, whose leaders would then turn their eyes to the East, into the open arms of the Russians. (N.B., Because of the irresponsible actions of certain members of the Council of Europe and the European Economic Community, Greece has already been compelled to extend her economic exchanges with the countries of the Soviet bloc—a definite warning sign to these above-mentioned free world nations to cease the implementation and further extension of these irrational measures, aforestated.) Obviously, such a grave danger can easily be averted, by guaranteeing the present Greek government that at least the United States will remain faithful to Greece's economic, military, and other needs.

GREEK REFORMS

And finally, I believe that the present Greek government deserves the support of the United States and other free world nations because of the many measures it has passed in favour of those of the population who are the most needy. For example, this government has done much to increase the social security for the aged, the disabled, and for others who are unable to work. It has greatly improved the medical facilities for the poor, and has made it much easier for them to enter public hospitals when in need. The present Greek regime has also ostensibly decreased taxes for the poorer peasantry. It has abolished all tuitions for public education at all levels, including those for the university. It has improved the public transportation system (i.e., buses, trains, and trolleys), as well as the system of public roads. Also, this regime headed by Prime Minister Papandopoulos has constructed many special apartment buildings with especially good arrangements for factory workers' families. And, in general, this government has established a greater equality and justice before the law, in the sense that certain corrupt practices of some opportunist parliamentarians, which had accorded them special privileges of a personal nature, have been abolished. So, now that these special, unjust privileges have been abolished, there exists much less provocation to those whose social position is less fortunate.

Therefore, to any impartial observer, it is clear that the present military government has done very much to appease the previous grievances of those most disfavoured economically; so much so, that the colonels have a particular backing among the peasantry and the lower middle and middle classes. Naturally, more can always be done, but considering that they have been in power only three years, one can conclude that they have made a good start. (A good index by which to judge the above assertions, is Greece's per capita income: four hundred

dollars ($400) in 1965; eight hundred dollars (800) in 1969). These aforementioned measures can be considered as an especially laudable achievement, since Greece is a relatively backward country industrially when compared with the Western European democracies and the United States, and is especially poor in natural resources.

After examining the various valid and important reasons given above which have attempted to justify both the present Greek government's access to power as well as its maintenance in power, any impartial observer would seemingly conclude that the present regime is a definite asset to both the cause of a free Greece, as well as to the cause of the free world in the Eastern Mediterranean. One might, then, very well wonder why this present Greek government of Prime Minister Papadopoulos is so disliked, as it evidently is, since almost any article one would read on Greece today is definitely prejudiced against the colonels.

MORAL IDEALS OF COLONELS

The colonels and their regime are always slandered by those who consider themselves the mouthpiece of the "free world public opinion," because they (the colonels) grant prime importance to three ideals or beliefs which in our Western world of today have become almost taboo. Firstly, they believe in the ideal of a Western traditional morality; they believe that everyone, and especially the young, should have a respect for his family, for his church, for his elders (a respect for the wisdom which comes from experience), and for the laws and traditions of his country, symbolized in the nation's flag.

A superficial glance of the situation prevailing in the universities of most of Western Europe and the United States, will confirm that the aforementioned ideas have been discarded—the student's attitude toward free love nullifies any ideal of respect for the family; their consideration of the church as, at best, a crutch for the weak, dismisses the possibility of traditional religion ever commanding any respect; the students' belief that any person over thirty is irrelevant and only worthy of the grave, of course, makes any respect for the above-mentioned wisdom which comes from experience and age impossible; the students' frequent desecration of their own flag and their violent demonstrations against a large number of their government's policies, clearly show that any respect for the country's flag and all it represents has also completely been lost. Considering that the consequences resulting from the complete renunciation of the fundamental foundations of our Western Civilization—i.e. a renunciation of our Western traditional morality and values—are so disastrous, one should be thankful for the colonels' noble attempt to maintain our Western morality, culture, and civilization. For how could a sane individual wish that a country be overrun by the Hippies, Yippies, the S.D.S, Weathermen, and their like, who move freely in our Western "democracies," despite the fact that they violate many of the country's laws daily—these latter individuals have "rid" themselves of the "corrupt" ideals and culture of our Western Civilization, and have consequently lost any reason to be; they now have no respect for anyone, not even themselves; they are nihilists and cynics, who must escape from the vacuum of uncertainty and desperateness they have created either through drugs, and/or ultimately, through suicide; they are precisely the products of the childhood education advocated by Dr. Benjamin Spock, as well as the practitioners of the ideas preached in the universities by such men as Dr. Herbert Marcuse and Mr. Timothy Leary. Respect is fundamental to human dignity! We should therefore praise the colonels for attempting to keep Greece a country of responsible, human beings, rather than allowing it to be overrun by a bunch of desperately bestial anarchists.

FREEDOM

The second traditional ideal the colonels try to practice while ruling the country is the ideal of freedom, expressed by the great nineteenth century English, political philosopher, John Stuart Mill, in his work *On Liberty*—the ideal stating that everyone is free to do whatsoever he desires, as long as he does not infringe on the rights of others. Of course, those who consider themselves the mouthpiece of "the free world public opinion" (the critics of Greece), might very well agree with the above definition of freedom in theory, but definitely not in practice, since they criticize the present Greek government and many other conservative governments who implement the above definition. What then differentiates the colonels' interpretation of this definition from that of "those who represent free world public opinion"?

The Greek colonels still believe that freedom is a luxury and privilege worthy only of those who respect it and accept the responsibilities concurrent with this right of freedom. They believe that both the lawbreaker and the lawabiding citizen should have their respective rights protected, but they do not believe that, in the name of some vague, humanitarian and utopian ideal the lawbreaker should be left free—the result being, of course, that the lawbreaker would continue to harass the lawabiding citizen. For, if the lawbreaker would not be punished in some manner, there would be no reason for any citizen to abide by the law, or for law to exist—i.e., to use a Hobbesian term, we would return to a "state of nature," since the first prerequisite of a civilized society is enforceable law.

Seemingly, though, the native countries of "those who consider themselves the mouthpiece of free world public opinion," do not share such a conception of a responsible freedom. In fact, by examining the present terror exercised by a vociferous minority over the majority in most of Western Europe and the United States, it would seem that we have, unfortunately, returned to a partial "state of nature." For example, in the universities, a minority of violent anarchists and left-wing radicals, interested only in overthrowing the present, allegedly corrupt, "Establishment," often prevent the majority of students, who have gone to the university to learn, from pursuing their studies by either destroying the buildings, or by holding violent demonstrations which make studying impossible to say the least. Three good examples of the above tactics can be seen at the Nanterre University in France, Tokyo University in Japan, and San Francisco State College in the United States.

In Greece, if such a violent minority refused to respect the rights of the majority of students this violent minority, which is not interested in studying, anyway, would be expelled. Another glimpse at the "ideal freedom" existing in many western democracies can be seen by examining the reaction to the American movie, The Green Berets, one of the only objective representations of the Vietnam war, in the countries Italy, Germany, Denmark, and Holland. In these countries the projection of the movie had to stop after the second of the normal seven days of playing, because of the "public indignation"—i.e., a left-wing and radical minority forced the authorities to shut down the cinemas, by violently demonstrating in front of the movie theatre, and by harassing the public who wanted to see the movie.

One might very well wonder though, after considering the above, what peoples enjoy the most freedom to act as they want. Are those who live in the countries of "those who represent the free world public opinion" or those who live in Greece, and other countries with strict conservative governments, where the traditional and responsible definition of freedom is practically applied, really more free? For as we all know, unlimited freedom turns into anarchy which is, in itself, a negation of freedom.

ANTICOMMUNISM

The third reason why the colonels are so disliked by "those who claim to represent the free world public opinion" is due to their strong anti-Communist attitude. These colonels, who, unlike the self-appointed "defenders of freedom (the critics of Greece), have had a first hand knowledge of Communism during the bloody Greek civil war (1946–1949), cannot believe that the expansionist and subversive aims of international Communism have moderated since the Stalinist days. Yes, perhaps, one might concede that the fate of the average citizen of a Communist state is better today than twenty years ago, but one needs only look around the world—Vietnam and Southeast Asia, in general, the Middle East, Africa, Latin America, and even the countries of Western Europe—to understand that world Communism's expansionist aims still exist.

And, a quick look at Hungary in 1956, Berlin in 1961 (the Berlin Wall), and, most recently, Czechoslovakia in August, 1968 (where numerous purges are now being conducted against the collaborators of Mr. Dubcek during the so-called "Prague Spring"), as well as in the "asylums" and camps within Russia, where such dissidents as General Grigorienko and others have been sent for having criticized some of the present administration's measures, will convince any impartial observer that the U.S.S.R. has not altered its views regarding the administration of its satellites, or of Russia itself. However, the self-appointed "defenders of freedom" choose to remain blind to these above facts, and believe that any nation which takes a strong anti-Communist stand and which strongly supports NATO as being one of the sole guarantors of a truly free world is a paranoic country which has been unable to realize that the "cold" war is a remnant of the past, since the U.S.S.R. has no expansionist ambitions and is a most "tolerant and democratic" regime. One might very well wonder who has the more accurate conception of the realities of the international situation—such anti-Communist regimes like that of Mr. Papadopoulos, or the self-appointed "defenders of freedom" who are the critics of Greece?

WHO ARE THE CRITICS?

Now, after examining the three main reasons why the present Greek regime is so disliked by "those who claim to represent the majority of the free world public opinion" (who are, simultaneously, those self-appointed "defenders of freedom"), one might wonder who these outspoken critics of Greece really are. One might begin by saying that those individuals of the free world who would agree with the ideas and actions of such Americans as Abbie Hoffman, Bobby Seale, Dave Dellinger, Charles Manson, H. Rap Brown, Timothy Leary, Herbert Marcute, and Dr. Benjamin Spock, and their like, would constitute the first grouping of Greece's enemies. And, more particularly, those individual politicians of the free world who would agree with the viewpoints of liberal American senators would constitute the second grouping of Greece's critics. And, in international policy, these same senators are violently opposed to the Vietnam War, but strongly support the massive withdrawal of all American bases in Europe and Asia as well as an extensive reduction of nuclear armaments and military power, in general, without any guarantees that the other side (the U.S.S.R.) would reciprocate.

As for Greece's most outspoken individual enemies, one might mention such personalities as Melina Mercouri, Jules Dassin, Olaf Palme, Andreas Papandreou, and Mikis

Theodorakis all of whom are known for their, to say the least, radically left-wing ideas. It should also be noted that Melina Mercouri's father was a former Communist deputy in the Greek Parliament. Jules Dassin was temporarily expelled from the United States by the McCarthy committee in the early 1950's. As for Olaf Palme, the Prime Minister of Sweden, everyone should be aware of his strong support of the North Vietnamese cause, shown by the large amount of economic aid given to North Vietnam by his government, as well as by his own participation in a demonstration, two years ago, where he marched in the streets with Viet Cong sympathizers and American deserters, holding a Viet Cong flag and chanting slogans. Regarding Andreas Papandreou, much has already been said from which any impartial observer can only deduce, that he is the primary cause of Greece's present problems. One should add, though, that on May 3, 1970, in a public statement echoed by the French radio station, he officially endorsed the nine point plan (already mentioned in this paper) for the resolution of the "Greek problem" advocated by the ex-Greek Communist deputy and Greek composer, Mikis Theodorakis, and accepted to head the Greek forces of armed resistance which would free Greece from the present regime, "punish" many members and collaborators of the present government, and reconsider all economic ties and military alliances, in order to establish a free and independent Greece—the implications of the above measures have already been examined. (It should be noted here that he has already accepted to fully collaborate with another former Greek ex-Communist deputy, the self-exiled Mr. Brillakis.) One needs only point out in order to more fully understand the character of this individual and the identical character of his closest friends, that Andreas Papandreou, although officially residing in Canada where he is a university professor, has a "second home" in Stockholm, Sweden, where he goes bi-monthly to visit his personal friend, Olaf Palme who is the instigator, as we have mentioned, of many of the measures against Greece proposed by the Council of Europe, the European Economic Community and NATO.

As for Mikis Theodorakis, another close friend of Andreas Papandreou, little more needs to be said. He is a well known and avowed Communist, and, unlike Andreas Papandreou, makes no secret of that or of his goal of making Greece a Communist state (as can be clearly seen in the aforementioned nine point plan). One should only add, that he was the founder of the extreme left-wing youth movement known as "Lambrakidis" which could be compared with the "Weatherman" faction of the American Students for a Democratic Society (S.D.S.)—the difference being that the "Lambrakidis" were more violent and dangerous in the pre-coup period than the "Weathermen" have yet shown themselves to be.

THE KING

There is one more individual personality who is an opponent of Greece and deserves a special paragraph—the present, self-exiled King of Greece, King Constantine II. By most impartial observers' standards, the present King of Greece is a naive and innocent individual with no higher education, who has a small knowledge, if any, of politics, economics, or anything else, since he is primarily a playboy and amateur of various types of sports. However, this naive and moderate opponent of the present Greek regime can constitute a great danger, should he ever return to Greece, because, at present, he is under the influence of many opportunities, leftists, and other irresponsible elements who aspire to use him as a "Trojan Horse" in order to return to Greece, and then, obviously, dispose of him. This above statement is reinforced by examining the group of staunch "Royalists" today—a great number of people who now proclaim to be for the return of the monarch, were in the pre-coup days, either fanatically against him, or just against him.

A handful of moderate conservative opportunist Greek politicians comprise another grouping of Greece's enemies. These politicians, as we have already mentioned, lost the unjust personal privileges associated with their parliamentary functions, such as the payment of taxes ridiculously low in proportion to their income, as well as no payment of telecommunication or postage fees, and are consequently bitter, since they can see no farther than their own pockets. (It should be noted that these embittered politicians are very short-sighted. Yes, they agree with the so called "United Opposition", with Andreas Papandreou and Mikis Theodorakis that the present regime should be overthrown, but they can far from agree with the opposition members on what comes after—an observation made by a Scandinavian journalist, who noted that yes, the "United Opposition" during a meeting agreed that the present regime should be replaced, but that the different factions at the conference almost came to hands during the discussion of what would follow. One shudders at the thought of what would result in reality, when in conference the opposition members almost fight, hand to hand.)

INTERNATIONAL OPPONENTS

Another grouping of Greece's critics would include many nations of Western Europe. The most outspoken of these, and the leader of the "crusade" against Greece is Sweden—need we make any comments on this latter country? Suffice it to mention its position on North Vietnam and American deserters as well as the reception it gave the new American Ambassador to Sweden, H. E. Mr. Jerome Holland—a reception characterized by the throwing of stones, rotten eggs, and bottles and by the charting of such slogans as "dirty Nigger go home"—in order to appreciate the character of this nation, headed by Prime Minister Olaf Palme, who demonstrated two years ago in favour of the Viet Cong, Denmark and Norway, whose fanaticism toward their NATO obligations is, at best, lukewarm and condescending, at least on the practical level, are also outspoken critics of Greece. Small wonder they are so, since, because of their economic and other interests with Sweden, they are sensitive to pressures from this friend and fellow Scandinavian. Italy, also, is an outspoken enemy of the present Greek regime, but how can one expect a left-wing government, which is hardly in any position to resist the terrific pressure of Communists and left-wing radical elements which continue to prove their strength in a chaotic series of strikes, bombings, and violent demonstrations (one of which left sixteen dead last December, and yet not the slightest effort to arrest the culprits has been made), to ever support a regime where the respect for law, order, and morality is the order of the day? The governments of Germany and England are also critics of the present Greek regime, but milder ones since, in the case of Germany, the government of Mr. Willy Brandt enjoys a hairbreadth majority in parliament, and therefore must compromise between the demands of his left-wing clientele and of his more conservative supporters, in order to hold this slim majority. (It should be noted that in private circles, it is known that Mr. Kurt Kiessinger, the German Christian Democratic leader and his close ally, the Christian Socialist leader, Mr. Franz Joseph Strauss, are definitely not opponents of the present Greek government), and, in the case of England, the Wilson government, particularly in an election atmosphere where the odds are seemingly against the Labor Party, at present anyway, must try to appease his extreme left-wing constituency, which includes such people as the Labour M.P. Michael Foot, in order to win votes. It is unfortunate, though, that these latter two countries would use whatever power of sanction against Greece, possessed by such organizations as the Council of Europe, the European Economic Community and others of which they may be members, in order to fulfill selfish, internal, political interests.

COUNCIL OF EUROPE

And, as for the Council of Europe, a consultative assembly of nations, which acts as the mouthpiece for the criticism directed against the present Greek regime by the six above mentioned nations, a few remarks should be made about the report its Human Rights Commission published on Greece. (The Council of Europe had eighteen member nations, until Greece was forced to resign from it in December, 1969.) It is not within the scope of this paper to consider in detail this report of the Human Rights Commission, but some comments on the sponsors of this report as well as on those who helped the Commission compile this basically slanderous report on the Greek regime should be borne in mind, as one examines this report published by the Human Rights Commission of the Council of Europe.

Firstly, the Greek politicians, such as Andreas Papandreou, and others, who greatly assisted the Commission in its compilation of the report, by supplying it with witnesses who were to testify as to whether "torture is an accepted administrative practice of the Greek government," and as to whether there existed in the days and months immediately preceding the coup of April 21, 1967, a situation grave enough to justify the present regime's seizure of power, are precisely those individuals who were, for the most part, the cause of Greece's pre-coup problems. So, how can one believe that such people could ever contribute to the presentation of an objective report on the present Greek regime?

Secondly, the handful of moderately conservative opportunist politicians, already discussed, who testified before the Commission that there was no Communist threat existing in Greece before the present military government took power on April 21, 1967, are precisely those who published public statements in the papers during the chaotic months immediately preceding the coup stating the opposite—i.e., that Greece had entered its most dangerous period in its post World War II history, since it was so threatened by an immediate Communist takeover. But, of course, both statements cannot be true simultaneously.

Thirdly, one should consider the character of those appointed by the Council of Europe to examine all the evidence obtained through testimony or through reports. For example, the jurists and lawyers, appointed by the Council of Europe to consider the voluminous amount of documented evidence (for example, newspaper excerpts) compiled by the Greek regime justifying the coup and showing that a real Communist threat existed, labelled this evidence as positive, but insufficient to warrant the military takeover. Of course, one should not be surprised by their verdict, since these men share the philosophy of law and justice of such American jurists as William O. Douglas, Associate Justice of the United States Supreme Court.

Fourthly, the people who testified as to whether "torture is an accepted administrative practice of the present Greek regime" are precisely those who are the most likely to narrate the most extraordinary and false stories of torture and mishandling of prisoners. For, since the Commission to whom they confess their "tortures" is composed of individuals who are already avowed enemies of Greece, they have good reason to believe that such slanderous reports would constitute a handicap for the Greek government and an asset for their partisans, the regime's

opponents. Should such a Commission constitute the *impartial* jury for this "trial"?

"TORTURE" DECLARATIONS

And, finally, another observation about the ambiguous circumstances under which these "torture" declarations were made should be cited. I shall give one of many examples which illustrates this ambiguous character of the investigatory proceedings of the Human Rights Commission of the Council of Europe, during the compilation of its current report on Greece.

In the winter of 1968–1969, a political detainee in Greece, Mr. Pandelis Marketakis, who, according to the Council of Europe, had been "tortured" by the Greek authorities, was sent to Strasbourg by the Greek government to testify that he had not been tortured. The night prior to his testimony before the Commission, he suddenly disappeared. He reappeared the next day, accompanied by Andreas Papandreou and some Scandinavian delegates, and proceeded to testify at Strasbourg that he had been tortured. He then went to either Sweden or Norway, where he was granted political asylum and a job to support himself. A week later, Marketakis appeared at the Greek embassy there, and demanded protection. He declared, to the embassy officials, that as he was circulating in his hotel, the night prior to his testimony, he was approached by an armed man who threatened to kill him if he did not follow. He, Marketakis, was then taken to Mr. Andreas Papandreou, who, in the company of a Scandinavian representative, offered him a given sum of money and political asylum either in Norway or Sweden, if he agreed to testify against Greece, by saying he had been "tortured." Moreover, they threatened to kill him, should he refuse to accept—at least this is the story Marketakis related to the Greek embassy in that Scandinavian country. After a few days, Mr. Marketakis again testified at Strasbourg, stating that he had not been tortured, and that what he had originally said was false. He then returned to Greece.

As one can clearly realize, the least to be deduced from the above observations, is that the investigations conducted by the Commission and its final conclusions, as stated in its report on Greece, are not as reliable as some of the sponsors of this report, published by the Human Rights Commission of the Council of Europe, would like the free world public to believe. But, how can one ever expect a report, sponsored by those nations and individuals, already discussed, who are the most outspoken critics of the present Greek government, ever to be impartial and reliable?

As a footnote to the comments made on this report of the Human Rights Commission, it should be added that, allegedly because of the conclusions drawn by the Commission about the present Greek regime, a number of the members of the Council of Europe, for example, Italy, England, and Sweden, have openly said that they have "scruples" about preserving a number of their principal economic ties and agreements with Greece, because of the "repressive" nature of its government. However, a few weeks ago England and Italy signed separate trade agreements with Bulgaria; we have already spoken of Sweden's extensive economic aid to North Vietnam as well as its trade agreements with other such countries. Is it, then, plausible, to an impartial observer, to believe that these latter countries are only guided by their preoccupation with preserving "a clean and moral political conscience" in all their relations with the countries of the world?

LEFT-WING MEDIA

The final "enemy" of Greece I shall consider in this paper, and the one which acts as the main mouthpiece for all the enemies of Greece described above, is the free world's left-wing mass media (television, radio, magazines and newspapers), which considers itself as the spokesman for the "majority of free world public opinion." To begin with, what is the nature of this "enemy" of the present Greek regime? As we all know, the majority of the Western world's public news media has, to say the least, a left-wing, liberal orientation. Owing to this particular orientation, the mass media is quite capable of presenting any false rumours and inadequate truths or facts as the *only* existing reality. And since it chooses to obtain its information from only those sources which agree with its viewpoints on the world situation, its news is very one-sided. Of course, the reports given on events and situations by such a media are, to say the least, slanted and far from accurate.

In order to justify the above allegation, I shall consider the observations made by the reflective, well-informed individual, as he daily reads and listens to the news. This daily reader of newspapers and magazines should observe that he always comes to read about the abominable torture, brutality, injustice, and general maltreatment of the citizens of certain nations which, ironically enough, are, to a large extent, identical in character—they are all strong opponents of international Communism, and they are all ruled by a more or less traditionally strict, conservative government. Obviously then, these "repressive and tyrannical" governments of the countries, described above, belong to the non-Communist camp. Greece happens to be one such country which finds itself on the Western press's "black list." Other such "blacklisted" countries include Portugal, Spain, Brazil, Guatemala, the Republic of South Africa, and others. Concurrently, the above-mentioned daily reader of newspapers and magazines should notice that he reads next to nothing about the most abominable atrocities committed by the Communist nations, whether they be the horrible tortures conducted in the Russian concentration camps and "psychiatric wards," the purges conducted in the satellites (the latest purge being the one which has been taking place in Czechoslovakia since the invasion of August, 1968, and up to the present day), the massacres carried out by the North Vietnamese, or the daily persecutions of the masses carried out by the Communist Chinese. This same reader should recall that the all too well-known atrocities of the Nazis during the war have been covered in detail, since the end of World War II, and have furnished the subject for numerous movies, documentaries, and books. However, this same reader of the daily papers, throughout the years, would have great difficulty in remembering that the same interest was (and is) given to the mass purges of Stalin (1934–1937), to the bloody Hungarian invasion of 1956, to the construction of the Berlin Wall in 1961, or finally, to the invasion of Czechoslovakia in August, 1968. Obviously the impartial observer, who carefully takes note of the above, to say the least, irregularities of Western reporters and editorialists, must have great doubts regarding the reliability of the information given by this western public news media.

Small wonder, then, considering this particular orientation of the Western public mass media, that the normal individual, who knows nothing about the situation in Greece, would tend to be, to say the least, against the present Greek regime. For, how can one expect an individual to hold anything but a negative view of the Greek regime, when one considers the personalities, the various newspapers, magazines, and television and radio stations choose to consult, in order to "inform" the public of the Greek situation? First and foremost, the Western mass media chooses to consult Mr. Andreas Papandreou on his views of the present Greek regime; he appears at least twice a month on many radio and television programs throughout Western Europe and the United States. Secondly, it chooses to ask Mr. Mikis Theodorakis, who was allowed to leave Greece hardly two weeks ago, for his opinions of the government of Prime Minister Papadopoulos. In fact, since his release from Greece, he has already been interviewed four times on the French radio and two times on the B.B.C. (the British Broadcasting Corporation). Thirdly, it chooses to read on the radio or publish in newspapers and/or magazines excerpts from only those books published which slander the present regime. (For example: one written by the left-wing economist of Columbia University and colleague of Mr. Andreas Papandreou, Mr. Stephen Rousseas; or, the one by Andreas Papandreou, published this spring; or the one written by the wife of Andreas Papandreou entitled *Nightmare in Athens*). And, if any article is written, or public statement made in favor of the present regime, it, the Western public mass media, chooses to ignore such expressions of a viewpoint opposite to its own.

An exemplary case, to show the extreme prejudice of this Western news media, is the letter written by the widow of the late George Papandreou, former Prime Minister of Greece and father of Andreas Papandreou, to Mr. George Papadopoulos, Prime Minister of the present Greek government. (During the funeral ceremonies of the late George Papandreou, a number of minor incidents occurred in Athens. It was to express her indignation for these incidents, as well as her support for the present Greek government, that Mrs. Kyveli George Papandreou wrote the aforementioned letter to Mr. Papadopoulos). I shall give a few excerpts from this letter, which was published by the Athens daily newspaper, *Eleftheros Kosmos* in its edition of November 23, 1968.

"Mr. President, you will permit me on this occasion to express the feelings of a Greek woman who has closely, and with great interest followed the political life of her country for many years. I feel the need to confirm to you my moral support, since I believe that the Revolution of the 21st April, 1967 saved Greece from a Communist dictatorship. And because I am a mother and a grandmother and a great-grandmother, I want my children, my grandchildren and my great-grandchildren to enjoy a healthy and free life and not to be the victims of a Communist dictatorship. Those who love and revere our country (Greece) will always support you. May God bless your beneficial work and spare you from all dangers. In conclusion, I can only wish that you remain perseverent in your salutary task for many years to come, so that Greece remains a country of honourable and prosperous people." (Signed, Kyveli George Papandreou)

Naturally, the Western public news media breathed not one word of this important letter—important for those impartial observers of the Greek situation who want a balanced picture of the present situation there.

Obviously, then, after having considered the orientation of the Western mass media, as well as having examined the many irregularities in its reporting of events, one can easily determine the real identity of the "majority of free world public opinion" which this mass media claims to echo. This so-called "majority of free world public opinion" is nothing more than the vociferous and irresponsible minority of the world's left-wing liberals and radicals whose opinions, statements, and actions are shrewdly magnified and idealized by the Western public mass media, in such a manner that these actions and statements of the vociferous minority of the free world seem to represent the whole truth, which is, furthermore, accepted by the majority of the free world. Yes, this minority has the loudest voice, definitely, but it does not represent the opinion of the majority of the free world's citizens, thankfully. Therefore, one can now

realize that those who claim to represent the "majority of the free world's public opinion" on Greece, are none other than those individuals and nations, already mentioned, who are the "enemies" of Greece.

THE SLANDERS

Now that we have described Greece's main enemies and determined the true identity of "those who represent the majority of the free world's public opinion," we should consider the various, slanderous remarks these enemies constantly pronounce in the mass media.

(1) Torture

Firstly, we should consider their allegation that "torture," and they take great delight in describing in minute detail these "tortures," is an "accepted administrative practice of the present Greek government." To begin with, it should be noted that not one single citizen has been executed since the military takeover on April 21, 1967, not even the would-be assassin of Prime Minister Papadopoulos in August, 1968, Alexander Panagoulis, who was caught red-handed. To this fact, even the enemies of Greece have to agree. It should be also pointed out that in Greece, presently, there are one-thousand political prisoners, out of a total population of over nine million, who have been officially acknowledged by the International Red Cross. Of these one-thousand prisoners the majority are men and women, condemned as dangerous Communists by the civil and military tribunals, during and after the Greek civil war (1946–1949), because of their participation in the bloody massacres of unarmed civilians. Obviously, then, the majority of these one-thousand prisoners has been under detention since 1949—i.e., for eighteen years, prior to the military coup of April 21, 1967. In actuality, therefore, the present regime has fewer than one-thousand political prisoners. In fact, the present regime's political prisoners consist of a number of dangerous anarchists and left-wing radical politicians, in addition to about forty ex-army officers, who have proven themselves dangerous to the security of the nation. Moreover, most of these latter prisoners are not really in prison, but are rather under house arrest—i.e., they are either allowed to live in their own homes, while being restricted in their normal activities; or they are sent to an island, where they are given a house of their own, funds sufficient to live on, and a limited amount of recreation. Yes, these latter prisoners are restricted, but definitely not in the manner described by the "enemies" of Greece.

In fact, one might very well question the validity of all the "horror stories" narrated by the enemies of Greece, to the free world. The International Red Cross evidently does not agree with the "enemies" of Greece about the fate of these one-thousand people, since the report issued by the International Red Cross Committee, that visited Greece's prisons and other types of detention areas, was more than favorable (I have included a pamphlet, published by the International Red Cross and the British Interparliamentary Committees after visiting the Greek prisons, which refutes all allegations of torture and mistreatment of prisoners. There is another similar pamphlet, published in the fall of 1969 by the International Red Cross, but, unfortunately, I do not have a copy. And, seemingly, the present government has no "tortures" and other "repressive measures" to hide from the world, as the enemies of Greece lead us to believe, since it allows the *free* inspection of all prisons—have we ever heard that such permission was granted to the International Red Cross by Communist nations? However, the Western public news media and the "enemies" of Greece choose to ignore such reports, and prefer to continue narrating the most extraordinary and incredible "histories of torture." One might wonder, though, how many of these political prisoners manage to "escape" to Western Europe, if they are really chained and tortured, as described by Greece's "enemies"—can one conceive of these men so easily escaping from a Russian detention camp or political exile? Yes, one really begins to doubt the truth of these "horrible tales of torture," when one remembers that four well-known political prisoners managed to escape from their "indescribably hellish existence," three successfully.

The three political detainees I am referring to, who successfully "escaped," are: Mr. Constantine Mitsotakis, ex-Centre Union Parliamentarian, who was under house arrest; Mr. George Mylonas, an ex-left-wing, Centre Union Parliamentarian, who was also under house arrest, managed to "escape" to Europe in 1969, and now circulates in Switzerland and Washington, D.C., lobbying against and slandering the present Greek government; and Mr. Pericles Korovessis, a well-known leftist radical, who has almost made it a profession to write slanderous articles against Greece, in magazines and newspapers throughout Western Europe and the United States, which bear no resemblance to reality. The other political prisoner I am speaking of is Mr. Alexander Panagoulis, the would-be assassin of Prime Minister Papadopoulos in August, 1968, who was caught red-handed and was wanted for desertion from the armed forces and for other felonies and misdemeanors, who escaped, a year ago, from his cell, but was recaptured after four days. One wonders how he ever managed to escape, since, barely a week prior to his escape, the Western news media published an article stating that Mr. Panagoulis was inhumanly chained to a pole within his cell, and was brutally tortured daily, so that he could hardly walk or move. Could he really have escaped if so chained and tortured? As a footnote to these adventures, we should recall that, just recently, the police said that Panagoulis attempted to commit suicide in his cell. According to the "critics" of Greece, however, this attempted suicide is nothing but a story, manufactured by the police, to justify killing him by torture. Yes, just one more example, among many, of their malicious distortion of facts.

(2) Political Prisoners

Secondly, the "enemies" of Greece tell us that the Greek government is deaf to all pleas, by the "free world public opinion," that clemency be shown its political prisoners. Is this accusation true?—Seemingly not. The Greek government agreed to free, for "reasons of health," Mr. Andreas Papandreou himself, and allowed him, his wife, and family to leave Greece. In return, Mr. Andreas Papandreou promised to return to his academic career as a university professor, and to abstain from slandering Greece and indulging in seditious activities. Did he keep his promise?—Certainly not.

Two weeks ago, Mr. Mikis Theodorakis was also liberated and allowed to leave Greece, for "reasons of health," if he promised, and he did, to abstain, likewise, from slandering Greece and indulging in seditious activities. Indeed, hardly one week after liberation, he publicly called for the organization of a "people's struggle" against the present Greek government. At this point, one begins to wonder who is really of good will, the Greek government or the "enemies" of Greece? Obviously, Mr. Andreas Papandreou and Mr. Mikis Theodorakis have not shown any good will or qualities worthy of gentlemen, but, of course, it was probably a mistake to have ever considered that these two individuals could ever show any good will toward the colonels, or anyone else.

(3) Punishment

Thirdly, the "critics" of Greece accuse the present Greek government of being "abominal tyrants, who impose extremely severe and unjust punishments on those accused of sedition and/or crime." Is this accusation valid?—Seemingly not. If one examines the sentences given to the thirty-four people, the members of the anarchistic terrorist organization, euphemistically called the "Democratic Defense," tried for sedition and minor bombings committed during the summer of 1969, one will recall that of these thirty-four, one was given life-imprisonment (The one given life-imprisoment, Mr. Karageorgas, a left-wing radical university professor, was the leader of this terrorist clan; he also was the cause of his clan's betrayal, since one of those bombs, exploded in his hand, maimed him, by blowing off his hand, and thus led to his arrest. No one, not even he, himself, could contend that he was innocent. And, furthermore, he was also found guilty of blackmailing certain of his female students into joining his terrorist organization, under the threat of failing them in the exams, should they refuse.), four were given sentences from ten to eighteen years, four to five were acquitted, one who was half French and half Greek and had been sentenced to eighteen years, Mr. John Starkis, was pardoned, released, and allowed to return to France, and the rest were given prison terms from 2 to eight years. Obviously, considering the gravity of the offense, these sentences were not excessively severe. Also, if one examines the punishment given the Arab terrorists, who attacked an Israeli airline at Athens International Airport in roughly the same manner as another group of Palestinian guerrillas attacked another Israeli plane in Zurich, Switzerland, one will recall that the Swiss courts gave the terrorists a twelve year sentence, while the Greek courts handed down a sentence of fourteen years. Seemingly, the present Greek military government is far less "tyrannical" than its critics would like the free world to think.

And why do the enemies of Greece pronounce these various slanders against the present Greek regime, which are, to say the least, of questionable credibility? They spread these slanders, and especially the allegation of torture, in order to incite the one-sided, bleeding-heart liberals, left-wing radicals, and their fellow travellers, who are obsessed by the desire to crusade for the "cause of freedom," to help the Greek "forces of resistance," by raising their already deafening voices in the name of, what they like to call, a "free" Greece. In other words, the enemies of Greece hope that, by making these torture allegations, their best criticism of the present regime since they have no really concrete criticism, serve as a black mark against the present Greek government, they will win sympathy in the free world as the "defenders of true freedom."

And what about the isolated bombing incidents which, according to the "enemies" of Greece, as echoed through the Western public mass media, "confirm that the majority of the Greek people are violently opposed to the present regime, and are prepared to overthrow their tyrannical and unjust government"? These isolated bombing incidents, which are definitely not more threatening than those set in other Western nations, like Germany, Italy, and the United States, and are, in fact, of much less intensity than those which explode daily in strike-ridden Italy, (i.e., In Greece, one or two plastic bombs explode now and again.), are used as are the allegations of torture, to gain sympathy for the "struggling and enslaved Greek peoples," among "free world public opinion." It should be pointed out, though, that these plastic bombs which do occasionally explode, are definitely not the sole work of the "patriotic Greeks who are struggling against this tyrannical regime," as the "enemies" of Greece would like us to believe. In fact, it was discovered during the sedition trial of the thirty-four members of the

aforementioned "Democratic Defense," that the majority of the funds for this organization came from Jules Dassin, a foreigner, and Melina Mercouri, Greek, yes, but not one residing there, and that the ten to twelve plastic bombs used had been given by Andreas Papandreou to a Swede, who, in turn, imported them to Greece, where they were assembled and planted by the lawyers, jurists, professors, etc., who were members of this "Democratic Defense."

If the Greek "peoples" were so united against the present government, it seems unlikely that lawyers, jurists, and professors would be the ones planting bombs. Secondly, the bombing incidents are used by the "enemies" of Greece, in order to frighten tourists away from the country, with the hope that, by ostensibly decreasing one of the Greek government's main sources of income, i.e., tourism, the budget will be crippled, and the government will thus be weakened. And finally, bombs are planted occasionally, so that sometimes, as in the case of the "Democratic Defense," a few people are arrested, so that the "enemies" of Greece and, as we have mentioned, their spokesman, the Western public mass media, can scream that the "poor struggling masses are tortured"—i.e., the bombs are used to provide a specific incident which the "enemies" can magnify and distort, in order to prove that the legitimate rights of the individual are violated. The question should be posed; whose rights are being violated? Obviously, the rights of the arsonists and anarchists are the only rights being "violated" here, and definitely not the rights of the majority of the Greek people, as the enemies of Greece like us to believe.

One really begins to wonder how all the slanderous falsehoods spread by the "enemies" of Greece, through their main spokesman, the Western public mass media, about the present Greek military regime can be allowed to circulate so freely in the Western free world. We can only be thankful that their viewpoints do not represent the "majority of the free world public opinion" as they claim, for if such viewpoints were shared by the majority, it would indeed be a sad day for the Western free world.

GOOD CONSCIENCE

I believe the most adequate way to conclude this section, which has tried to outline the nature and character of the "enemies" of Greece and to refute some of these "enemies' " slanderous allegations about the present Greek regime, is to point out an undeniable fact. The two major individual "enemies" of Greece, who like to consider themselves as the leaders of the opposition against the present regime, Mr. Andreas Papandreou and Mr. Mikis Theodorakis, no matter what they say and do in western Europe and the United States, symbolize and represent, because of their physical presence outside Greece, the most adequate refutation of whatever slander they may emit against the present Greek government. For, it was not really "public opinion" which forced the Greek government to free these two men, but, rather, the good conscience and credibility of the leaders of the present regime. One need only imagine the Western European nations demanding, for humanitarian reasons, the freedom of the Russian general, General Grigorienko, from his prison asylum, where he was dumped for criticizing the Russian authorities, to realize the genuine character of the leaders of the present Greek government. For, whereas, the Greeks did free the two previously mentioned individuals and allowed them to leave Greece, for "reasons of health" and, also, supposedly because of "world public opinion," the Russian authorities would have given the western public an emphatic no to its demand, telling it to mind its own business, and not to meddle in their internal affairs. But, of course, such facts of life escape the minds of western editorialists and western bleeding-heart liberals, in general.

Therefore, after finally unmasking the true character and nature of Greece's "enemies" who so viciously slander the present Greek regime, one can only conclude that the best way (and only way) to learn the truth about the present, particularly satisfactory condition of the Greek people and about the true character of their leaders, is to visit Greece and see for oneself, since, obviously, one can never ascertain the true realities of the Greek situation by listening to the western public mass media, the spokesman for the "enemies" of Greece. The only way an impartial observer could draw any valid conclusions about the Greek government from all its "enemies" say, is to abide by the principle that an institution or individual may be accurately judged by the overwhelming identical nature of its enemies. Since, as we have mentioned, most liberals and radicals of all types seldom criticize Communism and Communist tactics, but, on the contrary, always criticize western conservative governments and institutions, one may conclude that Greece's present government is far from being "worthy" of slander, but, rather, is worthy of praise.

DEVOTION TO NATIONAL WELFARE

As we have seen throughout this document, the present leaders of Greece, who are mainly from middle-class, traditionally minded families, are genuinely devoted to the well-being of their country. They are not opportunists; they did not seize power for its own sake. But rather, these austere and simple men, who believe that our western traditional morality, (i.e., that one should honour his flag, respect his family and elders, and honour his church), as well as our western (traditional) socio-economic and political systems are well worth preserving, seized power with the genuine conviction that, in so doing, they were saving their country from the worst of all fates—Communism. These men cannot possibly be rationally called Fascists, as do the enemies of Greece, since they, the present leaders of Greece, heroically fought the Italian and German Fascists during World War II. In fact, they are no more "Fascist" than is Senator Barry Goldwater, Republican from Arizona, who expressed his socio-political philosophy in the work *Where I stand*, and with whom the present leaders of Greece would share many viewpoints. They are only "Fascist" if one considers men, who literally adhere to the classical definition of freedom, (which guarantees everyone a responsible freedom to act within the confines of a country's laws and customs, as described above) and who scrupulously abide by all international laws and agreements, as "Fascist." In such a case, they are definitely "Fascist," since they have brought a relatively greater prosperity for their country and a higher general standard of living to its people, by maintaining, through the enforcement of a respect for law and others' rights, (i.e., through the enforcement of traditional freedom, as mentioned above), the political, social, and economic stability of their country. Likewise, in such a case, they are also "Fascist," since they have remained devoted to the Western cause of freedom and to its defense, by being faithful to the North Atlantic Alliance, (NATO).

In fact, it should be pointed out, that, in spite of the fact that Greece is one of the smallest and poorest countries of NATO, it is one which tends to dedicate a sizable part of the national budget for defense; also, Greece is one of the only members of NATO which has given its staunch moral support to the American cause in Vietnam. I suppose though, that these last two comments would also help label the present leaders of the Greek government as "Fascist", by the "enemies" of Greece, since they, the "enemies" of Greece, have not struggled, as the colonels have, against the assault of the Communist guerrillas, supported by Moscow, during the Greek civil war, (1946–1949), and therefore cannot know, or will not realize, the true dangers, atrocities, and terror World Communism can bring to a country.

Owing, therefore, to the total inability, willful or not, of the "enemies" of the present Greek government to realize the various and real dangers they bring to Greece in their efforts to "free" this country from the "tyrannical" rule of the colonels, and to "reestablish democracy," the impartial and rational observer, judging from the various observations, made in this paper, as well as from the general analysis of the Greek situation given here, one can only conclude that the only way to restore to Greece a parliamentary type of government is to let the present leaders gradually, and in accordance with the local situation and environment, return to parliamentary democracy. For, as should be clear by now, the present leaders of Greece are the ones who are genuinely interested in preserving a free and democratic Greece, and not their irresponsible "enemies" who have shown, in the two tumultuous years preceeding the military takeover of the 21st April, 1967, as well as in the years following this coup, the real nature and character of the "free, independent and democratic" Greece they hope to establish. Yes, it is clear, by their various statements, that the "enemies" of Greece call for a return to a democratic and parliamentary rule, in order to use the electoral systems and genuinely democratic institutions and freedoms to abolish them forever, since, up to the present day, not one single nation, turned Communist, has ever succeeded in shaking off its tyrannical yoke. Certainly the world is turned upside down when the "defenders of freedom" really want to establish the most tyrannical, totalitarian system ever known in history, and when the so-called "destroyers of freedom" really want to preserve the institutions and freedom of our western democracies!

Respectfully yours,

(A Greek citizen).

Mr. THURMOND. Mr. President, the elimination of military aid to Greece because of the junta is unrealistic and a serious threat to our own security. There is also ample evidence that the Greek Government is pursuing democratic policies.

Mr. President, in November 1968 the right to strike and in general the right to assembly were restored. During August 1969 some constitutional guarantees concerning arrest and detention, trial of civilians, press, and property were restored.

In my judgment, to cut off military aid to Greece is a classical example of the old cliche which states, "We will be cutting off our nose to spite our face."

Mr. President, I have an impressive document from the Department of Defense which clearly presents the vital need to maintain our aid to Greece. I am confident it will convince my colleagues to vote against this amendment if they have any interest in NATO and our national security.

Mr. President, I ask unanimous consent for this DOD document entitled "Points in Opposition to the Hartke Amendment on Greece," to be printed in the CONGRESSIONAL RECORD following these remarks.

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

POINTS IN OPPOSITION TO THE HARTKE AMENDMENT ON GREECE

Shortly after the coup in April 1967, the United States instituted a selective suspension policy on the delivery of major military items programmed under its military assistance program (MAP) for Greece. However, other equipment, supplies and services programmed for Greece under MAP have continued.

U.S. policy toward the delivery of excess equipment and U.S. sales (for case or credit) or by commercial suppliers of military equipment to Greece has been consistent with the suspension policy on grant aid.

Following the Czechoslovakian crisis, the U.S. agreed to some exceptions to the suspension policy with particular reference to those items whose end-use supported a NATO requirement. Other than these exceptions, the selective suspension policy remains in effect.

The application of this policy was intended as practical evidence of U.S. concern over extra constitutional developments in Greece.

The Administration is actively reviewing our military supply policy for Greece. Any determination by the U.S. on the full resumption of shipments of major items will take into account Greece's position in NATO as well as other factors relevant to U.S. interests in Greece.

The decision to begin full shipment of military assistance items to Greece has not yet been made.

The current Greek regime is completely committed to Greece's participation in the North Atlantic Alliance which was established to preserve the security of the West. NATO remains cornerstone of Greek foreign and military policy. NATO is a defense alliance, Greece is an important ally strategically and solidarity within NATO is of utmost military importance. In order to further the strategic purposes of the NATO Alliance it is important for the U.S. to maintain a close working relationship with the military forces of Greece. This activity has not been directly related to our attitude toward the character of the various governments which have ruled Greece since it joined NATO in 1952. This amendment would have a seriously disruptive effect upon that relationship, not only by restricting the flow of military equipment but by eliminating important training programs.

The modernization of Greek military forces has been considerably retarded by our policy of withholding the shipment of major items of military equipment. A curtailment of U.S. military assistance (grant and sales) to Greece would be an act of folly, particularly in light of the growing activity of the Soviet naval squadron in the Eastern Mediterranean.

In addition, a complete curtailment of U.S. military assistance could well affect the important naval, air and communication facilities Greece makes available to the U.S. These facilities have not as yet been effected by the suspension policy which is now over 3 years in duration.

The loss of access to these air, naval and communication facilities would be irreplaceable and coupled with the loss of facilities at Wheelus would completely unhinge our entire defensive position in the eastern Mediterranean.

During the past three years the Greek Government has acted in a number of ways which have offended important segments of international opinion and served to perpetuate the atmosphere of skepticism about its intention to return to parliamentary democracy. Some of these acts have been purges of the Judiciary and the Universities; reports of torture, etc.

Perhaps most frustrating to the dedicated critics of the Greek Government is the regime's insistence upon the rightness of its cause, its determination to proceed at its own pace toward a more normal governmental situation and, indeed, its continued existence in any form. The current Greek regime views its sudden acquired power as a trust to be administered with the utmost integrity in order to bring about stability and return to constitutional norms. The current regime is acting in this manner. It has been criticized for inexperience in the political arena but not for the lack of honesty.

Nonetheless, the Greek regime has asserted its intention to restore civil liberties and parliamentary government.

In September 1968, the regime presented a new constitution, which was approved in a referendum by a substantial majority of the populace. Subsequently, the regime announced plans for the validation of a number of key constitutional provisions covering civil liberties and the right to form political parties.

During November 1968, the right to strike (for labor grievances only) and in general the right to assembly were restored.

During August 1969, some constitutional guarantees concerning arrest and detention, trial of civilians, press and property were restored.

Other acts that the Greek regime committed itself to during 1969 in moving to more democratic norms were the abolishment of courts martials except for alleged crimes against law and order and national security; and a new press law, along with the conclusion of an agreement with the International Committee of the Red Cross for inspection of all places of detention.

More importantly the Greek Government announced that in accordance with a specific timetable, to which it has thus far carefully adhered, the institutional structure of a democracy prerequisite to elections will be in place by the end of this year. This timetable is a public commitment on the part of the Greek Government. It seems to be a reasonable time element, i.e., the end of this year. A yardstick has now been established to measure the Greek regime's performance. Some patience and restraint should be exercised by all, as the Greek regime seems to be moving ahead in the direction to establish democratic norms.

In the past, Greece has met similar situations before and appears to be on the way to solving the present one. Greece can be helped by sympathetic understanding rather than by censure. Through the years the collective strength of NATO has been more important than national policy differences which have and will continue to exist among member nations. The U.S. respects the efforts of the individual members of NATO to solve their domestic difficulties, just as they respect our efforts to solve our own internal problems.

The free world members can ill afford to undermine NATO defensive purposes and might do so by indicating their continued displeasures with respect to the efforts and practices of the Greek regime. There are other and better methods that can be utilized. Terminating military assistance to an ally of more than 20 years is not the way to do it.

Mr. COTTON. Mr. President, will the Senator from Idaho yield me 5 minutes?

Mr. CHURCH. I yield 5 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER (Mr. BOGGS). The Senator from New Hampshire is recognized for 5 minutes.

Mr. COTTON. Mr. President, I desire to register my opposition to the amendment. I recognize the arguments that have been presented but, first, when we start singling out nations and eliminating them from the possibility of receiving aid under this bill, regardless of what circumstances may arise, in my opinion, we are needlessly and gratuitously slapping those nations in the face.

To be sure, the present Government of Greece is not entirely satisfactory. It is far from satisfactory to many Americans or, for that matter, of course, to many Greeks. Nevertheless, governments come and go but our friendship with Greece has been too long and too abiding to be arbitrarily cast aside. How long this government will be in power is a matter of conjecture. Furthermore, if we deprive the President of the United States of the leverage of being able to control military assistance, we deprive the President of the United States and the Secretary of State of the United States of a certain sphere of influence. One of these days that may be valuable in assisting the restoration of true democracy in Greece, if the present Government continues to prove itself to be repressive.

More than that, it is not just a matter of NATO. The comparison drawn by the Senator from Rhode Island (Mr. PELL) does not seem to me to be entirely valid. It is not a matter of whether Norway or Denmark, or some other country, is more interested in NATO, or more dependent upon NATO; but here is Greece, situated on the threshold of the Near East on the Mediterranean. The Mediterranean is fast becoming—as the Iron Curtain countries and the Soviets add constantly to their fleets in that sea—a critical area of influence.

Here we have a problem in the Far East with the Israelis and the Arabs, and the extension of Soviet influence. And here is Greece, right on the threshold.

It would seem to me to be ill advised—and I am not defending the present regime in Greece—for Congress, arbitrarily, to exclude Greece from this measure.

It does not follow at all that military aid will be extended. It depends much on the circumstances. The President of the United States can be trusted to take those circumstances into consideration.

Mr. President, I find myself affected by certain sentimental feelings in this matter. We are on the eve of another Fourth of July. I shall never forget, a few years ago, when I found myself in Athens on the Fourth of July, at a time when we were beginning to hear a good deal of anti-American sentiment in many quarters of the world, including from our erstwhile friends in Europe.

To my surprise I found that the Greeks celebrate the Fouth of July. I found that the band in the square played the "Star Spangled Banner," followed of course, by the Greek national anthem.

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

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

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

Mr. COTTON. Mr. President, I found the address of the American Ambassador to be well attended. There was an unrestrained feeling of friendliness, caused undoubtedly by our years of close cooperation and the aid that Greece had received as well as by the fact that many of our finest citizens in this country are of Greek origin.

Mr. President, I hope that we will not point to Greece and select Greece as a nation to be arbitrarily excluded from the bill.

Mr. GRIFFIN. Mr. President, would the distinguished Senator from Idaho yield me 2 minutes?

Mr. CHURCH. Mr. President, I yield 2 minutes to the Senator from Michigan.

The PRESIDING OFFICER (Mr. BOGGS). The Senator from Michigan is recognized for 2 minutes.

Mr. GRIFFIN. Mr. President, I wish to associate myself with the remarks made by the distinguished Senator from New Hampshire and commend him for presenting so succinctly and logically the arguments against the amendment.

It would be very unwise, as the Senator from New Hampshire has pointed out, if the Senate were to agree to the amendment. We should not try to dictate the internal political affairs of another NATO nation, particularly so long as that nation is trying to meet its treaty obligations. Whether or not we individually agree with the present regime of Greece, Greece is a member of NATO. And NATO is a very important instrumentality, particularly as the Soviets move deeper and deeper into the Mediterranean. Needless to say, we are confronted with a very difficult and delicate situation to handle in the Middle East at the present time.

It would seem to me that we would damage our own interests in the Middle East more than we would damage the ability of the present Greek regime to stay in power if we were to adopt an amendment such as that offered by the distinguished Senator from Indiana (Mr. HARTKE).

Mr. President, I hope that the Senate will follow the lead of the distinguished Senator from New Hampshire and reject the pending amendment.

Mr. PELL. Mr. President, will the Senator yield for a question?

Mr. GRIFFIN. I will yield if I have the time to do so.

Mr. PELL. Mr. President, is the Senator aware that if the pending amendment is agreed to that, because of the assistance presently in the pipeline and the leeway given to the President, there need be no actual stoppage in shipments of equipment to Greece?

If the present Greek regime actually moves even a step in the direction of elections and states that it intends to hold them by a specific date, the shipment of munitions can be resumed within a year. There would be no stoppage in that event.

If the Senator aware of that?

Mr. GRIFFIN. The Senator mentions the period of a year. That could be a very long time. I understand that the amendment contemplates action by Congress. Is that a correct statement?

Mr. PELL. Absolutely. Whenever elections are called and the President asks that this amendment be changed, the Senator can be very sure that it will be.

The PRESIDING OFFICER (Mr. BOGGS). The time of the Senator has expired.

Mr. CHURCH. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Idaho has 5 minutes remaining.

Mr. CHURCH. Mr. President, I support the amendment introduced by the distinguished senior Senator from Indiana.

The question of barring additional military aid to Greece was discussed during the committee's consideration of the military sales bill; the issue was not put to a vote, however.

In considering this amendment, I hope my colleagues will recall that in last year's foreign aid bill the Committee on Foreign Relations recommended that military aid to Greece be suspended. In its report on the bill the committee stated:

> The purpose of this prohibition is to demonstrate to the Greek government, and the world, that the current military regime does not enjoy the backing and support of the U.S. Congress . . .
>
> The United States should not supply military aid to governments whose actions are anathema to our own principles.

By the narrow margin of 45 to 38, the Senate failed to endorse the committee's recommendation. In view of the developments in Greece since the Senate's action, I think it is even more regrettable that this body did not register its disapproval at that time—when it could have said to the generals in Athens that "this country will not give you any more arms to use to repress the freedom of your people."

But, fortunately, we now have an opportunity to correct that mistake. Since the coup in 1967 the United States has agreed to supply a total of nearly $300 million in additional arms to Greece—through the grant, sales, and surplus programs. A considerable amount of this is piled up in warehouses, undelivered because of the partial restriction on shipments—which amounts to but a tap on the wrist of the generals. We should not glut this pipeline of open support further. We should draw the line on further aid and say that the U.S. Senate does not wish to give more weapons to a government that demonstrates its utter contempt for the democratic values inscribed in the premable to the NATO Charter.

I hope that the Senate will adopt the amendment.

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. CHURCH. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I should like the author of the amendment to listen to this colloquy.

I notice that the first clause of the amendment reads "unless specifically authorized by law hereafter enacted."

Does the author of the amendment and the manager of the bill contemplate that, if we authorize a program for Greece which is discharged, this amendment would not foreclose submitting and getting together to go ahead with it and that it might be much larger than $300 million?

Mr. HARTKE. Mr. President, the Senator from New York is entirely correct in his statement.

Mr. CHURCH. Mr. President, I hope the Senate will agree to the amendment of the Senator from Indiana.

Mr. HARTKE. Mr. President, will the Senator yield to me?

Mr. CHURCH. Mr. President, I yield the balance of my time to the Senator from Indiana.

Mr. HARTKE. Mr. President, I should like to make a few comments.

The Senator from New Hampshire said that we were singling out one country. We are not singling out Greece. We are not anti-Greece. We are not anti-Greek people. We are not antidemocracy of the type Greece brought to the attention of the world.

We are saying that this present regime is not within the framework of the ideals of Americanism.

Mr. President, I would like to quote a distinguished President of the United States who said:

> NATO means more than arms, troop levels, consultative bodies, treaty commitments. All of these are necessary. But what makes them relevant to the future is what the alliance stands for. To discover what this Western Alliance means today, we have to reach back not across two decades but through the centuries, to the very roots of the Western experience.
>
> When we do, we find that we touch a set of elemental ideals, eloquent in their simplicity, majestic in their humanity; ideals of decency and justice, and liberty, and respect for the rights of our fellow men. Simple, yes; and to us they seem obvious. But our forebears struggled for centuries to win them and in our own lifetime we have had to fight to defend them.
>
> These ideals are what NATO was created to protect. It is to these on this proud anniversary, that we are privileged to consecrate the alliance anew. These ideals, and the firmness of our dedication to them, give NATO's concept it's nobility, and NATO's backbone its steel.

This is all we are asking for. We are against dictatorships. We are against disrespect for the rights of our fellow men.

This is what the amendment is all about. The President whom I quoted was President Nixon in a most eloquently worded statement delivered to the NATO Ministers in August 1969.

This amendment is within the very ideas and ideals of President Nixon. These ideals should be carried out.

Mr. President, I ask unanimous consent that additional documents in support of the amendment be printed at this point in the RECORD.

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

AMENDMENT

Mr. President, those who believe that America should continue to equip the Greek army for military reasons would do well to bear in mind that the present amendment in no way threatens the junta with a precipitous withdrawal of support.

Even if we decide to prohibit future military aid, the Greek junta could still receive a minimum of 88 million dollars worth of American military equipment.

Because the amendment is not retroactive, funds already approved for Greece would not be recalled if the amendment is passed. Only future allocations would be prohibited.

At the end of the last fiscal year, $97,237,000 in funds already allocated for Greece, was still unused. That 97 million dollars which the Defense Department calls "unde-

livered appropriations" is literally money in the pipeline to Greece. Shutting the value on the United State's end of that pipeline will not keep that 97 million dollars from the hands of the Greek colonels.

Military appropriations programmed for this fiscal year amount to $24,298,000. In other words, a total of $121,735,000 worth of military equipment was available for delivery to Greece this fiscal year. Of that 121 million dollars, the Department of Defense estimates $33,619,000 will actually be delivered by the end of this fiscal year.

So, even if future appropriations are prohibited, $88,116,000 worth of military equipment will still await delivery to the Greek junta.

From a military point of view, the proposed amendment promises to be less effective than many of its supporters would hope. But the moral and political arguments for supporting the present amendment are very compelling.

To pass the amendment would be to serve public notice that the United States will not condone the development of a dictatorship in Europe. It would reaffirm our allegiance to the principles of democracy and freedom at a time when that reaffirmation would mean so much to Greek citizens now struggling under this oppressive regime.

And, it would demonstrate our solidarity with the other nations of Europe who rightly perceive that the death of democracy in Greece is a threat to the strength of NATO.

MILITARY REASONS FOR SUPPORTING HARTKE AMENDMENT

Mr. HARTKE. Mr. President, it is frequently argued that, regardless of political and moral factors, we should continue to support the present dictatorship in Greece for military reasons. I would like to outline briefly why I do not find this argument very compelling.

First, NATO is more than a military organization. The purpose of NATO lies in the defense of a form of civilization. The defense of the geographical area is a means to that end, not an end in itself.

If we destroy from within the form of civilization which NATO is supposed to defend, the defense of the geographical area becomes meaningless.

President Nixon stated most eloquently, NATO's true purpose in his statement before the NATO ministers in August 1969. Allow me to quote from the President's address:

NATO means more than arms, troop levels consultative bodies, treaty commitments. All of these are necessary. But what makes them relevant to the future is what the alliance stands for. To discover what this Western Alliance means today, we have to reach back not across two decades but through the centuries, to the very roots of the Western experience.

When we do, we find that we touch a set of elemental ideals, eloquent in their simplicity, majestic in their humanity; ideals of decency and justice, and liberty, and respect for the rights of our fellow men. Simple, yes; and to us they seem obvious. But our forebears struggled for centuries to win them and in our own lifetime we have had to fight to defend them.

These ideals are what NATO was created to protect. It is to these on this proud anniversary, that we are privileged to consecrate the alliance anew. These ideals, and the firmness of our dedication to them, give NATO's concept its nobility, and NATO's backbone its steel.

Second, Greece needs NATO more than NATO needs Greece. There are powerful military reasons why it is in the best interest of Greece to remain allied with NATO. Those who believe that Greece will voluntarily withdraw from NATO must believe that, in the event of armed attack by Communist forces, Greece will submit peacefully, an insult to the courage of the Greek people or will be able to resist the Soviet Union successfully—an insult on commonsense and military reality.

Third, in the past, Greece has always been a strong and enthusiastic supporter of NATO. To argue that Greece might withdraw because of our action today would suggest that Greece no longer supports NATO as it did in the past.

Fourth, the Greek regime has caused a complete disintegration of the Greek Armed Forces and assigning the remainder of those forces to nonmilitary functions.

Five, our present conspicuous support of the present regime is crediting a wave of anti-American feeling in Greece that eventually will prevent any American ship or plane from stopping in Greece. Also, the existence of the present Greek regime increases the political instability of Europe and the likelihood of another Vietnam, this time in Europe.

Finally, if we are concerned about NATO, we should listen to what our NATO allies have been saying. The present Greek regime has been condemned by practically every Western European country.

ANTI-AMERICAN FEELING IN GREECE

Mr. President, anti-Americanism has been one of the most disturbing byproducts of our association with and support of the repressive Greek regime. Our irrational allegiance to the present military dictatorship has done more damage to America's image in Europe than even the Indochina war. In Greece, America has become a symbol of oppression and violence second only to the junta itself.

Of the many letters and telegrams I have received in support of the present amendment, I have found most upsetting those from recent visitors to the captive nation. These letters all testify to a growing hatred of America and Americans.

I fear that a Communist revolution may soon be considered by some as the best alternative open to a people for whom Uncle Sam's benevolence has meant repression, torture, and criminal disregard of cherished traditions and human dignity.

In Greece and most of non-Communist Europe it is widely believed that America engineered the 1967 coup. In October of 1968, Mrs. Helen Vlalchos, the famous publisher who escaped house arrest under the junta, made the following statement at a gathering in London:

So the moment of truth is approaching, and the first brand new European dictatorship since the war is about to emerge, born of the Pentagon by the CIA, reared by NATO, surrounded by doting businessmen.

A Greek political editor now in exile, Elias P. Demetracopoulos, prepared a report on American national interest in Greece which was published by the Hudson Institute in August of 1969.

He stressed:

It is very important for Americans to understand that there is widespread belief in non-communist Europe that Washington was involved, either by commission or omission, in the April 1967 coup and is responsible for keeping the Athens colonels in power.

Strong efforts should be made to dispel the belief of U.S. involvement and support of the Greek junta in Greece and the rest of Europe, including the use of Voice of America. Such efforts are essential to forestall violent anti-American backlash in Greece, which otherwise is a virtual certainty.

That prediction has now come true. Unfortunately, the remedy proposed is no longer possible. American support of the junta is not a rumor—it is hard, cold fact. The Voice of America is now commonly referred to in Greece as "Voice of Junta."

Greek affection and respect for America prior to the coup was so strong that many expected America to help overthrow the regime. A letter I received from a man who was born and raised in Greece attests to the tragic reversal of America's image in Greece:

I visited there after the coup and I was amazed at their belief that the United States would very soon help to overthrow the regime. From what I hear now, however, that belief has been dissipated. Anti-Americanism is growing and I would not dare guess what will happen if the Greeks are convinced that there is no hope from the West.

Another letter is from a man recently returned from a tour of Greece who sums up what must now be all too obvious:

Nearly all of the Greeks with whom I talked, including a few who held important positions in the government, felt that this oppressive regime depends heavily for its survival on American military aid. There were, to be sure, differences of opinion about how long the regime could continue if our military aid were stopped, but nearly everyone felt strongly that the regime could not survive indefinitely without it.

One of the unfortunate side effects of this continuing U.S. support of the current Greek regime is that it is clearly eroding the long-standing warmth and friendship that the Greek people have felt toward the American people.

A most disturbing testimony on anti-Americanism in Greece comes from a former member of Greece's highest judicial body, the Council of State. George Kouvelakis is a junior member of the council, currently in exile in Geneva. In a June 5 letter, Mr. Kouvelakis outlines the bitter disappointment and resentment generated by United States support of the junta:

The insistence of the United States in supporting the junta even after the decision of the Council of Europe and after the condemnation of the colonels as torturers by the European Commission of Human Rights, has created an unprecedented wave of wrath. Whatever is American creates revulsion. Americans are considered, and, with justice, to be the only dynamic element supporting the junta.

Mr. Kouvelakis also perceives what many in our government fail to recognize: namely that our policy precludes the possibility of the United States exercising any constructive influence on the political life of Greece.

But with full conscience of reality and the possibility of America's influence as one of the greater powers in shaping of Greek polit-

ical life, I must tell you that the wave of anti-Americanism prevailing today undermines these possibilities decisively and has already identified the United States in the absolute with all that is illiberal and anti-Democratic.

To those who believe that America can simply wait out the storm and then rebuild its influence and regain the friendship of the Greek people and hence preserve its own interests, I especially commend the concluding paragraphs of Mr. Kouvelakis' letter:

The responsible American officials might be under the belief that the "grapes of wrath" of the Greek people are not going to ripen or, that in any case, this process will be delayed and consequently there is time during which more immediate problems can be solved. This analysis distorts the problem:

It underestimates such influencing factors as, (a) the fact that the Greek political world (the whole spectrum, from right to left) has stated that it considers the American government, or its various semi-independent agencies, as the only supporter of the dictatorship:

(b) That the new Greek leadership which is now in the making, is being formed with the vision of an independent national democracy and (c) that the middle east crisis, Cyprus, and the presence of the Soviet fleet in the Mediterranean cannot be faced on the single assumption that the soil of Greece is good for military bases, as long as these bases are surrounded by people who are under occupation, and therefore hostile.

Mr. President, I ask unanimous consent to have the various letters I have mentioned inserted in the CONGRESSIONAL RECORD:

WESTMONT, ILL.,
June 9, 1970.

Senator VANCE HARTKE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HARTKE: I am enclosing a petition in support of your amendment against military aid to the Greek junta, signed by a number of my colleagues at the Argonne National Laboratory. We all hope that your efforts will be successful in stopping the flow of arms to that repressive regime.

Since I was born, raised and studied in Greece, and still have many relatives there, I know very well the frustration that the Greek people feel because of the support that our government gives to the junta. I visited there after the coup and I was amazed at their belief that the United States would very soon help to overthrow the regime. From what I hear now however, that belief has been dissipated. Anti-americanism is growing and I would not dare guess what will happen if the Greeks are convinced that there is no hope from the West.

Very truly yours,

Dr. PETER LAMBROPOULOS.

CHEVY CHASE, MD.,
May 28, 1970.

Hon. CHARLES MCC. MATHIAS, Jr.,
U.S. Senate, Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MATHIAS: I am writing as one of your constituents to urge your most serious consideration of the amendment to H.R. 15628 (#648) recently proposed by Senator Vance Hartke. As you know, this amendment to the proposed amendment of the Foreign Military Sales Act would deny continuation of military aid to the current government of Greece.

Last summer my wife and children and I spent a month traveling in all parts of Greece, and we were appalled and dismayed by the change which had taken place in that country since our earlier visit in 1958. What used to be one of the most open and free countries in the western world has been transformed into a police state. Freedom of speech and freedom of the press have been almost totally eliminated, and people who used to be friendly and outspoken are now living in almost constant fear and apprehension. Arrests, threats, and intimidation—even of leading public figures—are commonplace.

I should like to emphasize that my observations are not only those of a tourist, but also those of someone who had an opportunity to visit and talk in private with a wide variety of persons—former friends and acquaintances, teachers, physicians, and businessmen. One of my most shocking and depressing experiences was an extended conversation with a (then) member of the Administrative Supreme Court of Greece, who told me of the terror, intimidation, and torture that he and his colleagues had experienced almost continuously since the current regime came into power. (I understand that this man is now in prison.)

Nearly all of the Greeks with whom I talked, including a few who held important positions in the government, felt that this oppressive regime depends heavily for its survival on American military aid. There were, to be sure, differences of opinion about how long the regime could continue if our military aid were stopped, but nearly everyone felt strongly that the regime could not survive indefinitely without it.

One of the unfortunate side effects of this continuing U.S. support of the current Greek regime is that it is clearly eroding the long-standing warmth and friendship that the Greek people have felt toward the American people. In our earlier trip to Europe in 1958, we were greatly impressed with the fact that Greece was one of the few (if not the only) country of the several that we visited where there was no undercurrent of envy or hostility toward Americans and where people in all the cities and towns that we visited felt a strong bond of friendship and gratitude towards us. It seems clear that this positive relationship is now seriously threatened by our continuing support of the current regime.

In short, I feel strongly that it would be in the best interests of both the American people and the people of Greece if you were to lend whatever support you can to Senator Hartke's proposed amendment.

Sincerely yours,

ALEXANDER W. ASTIN.

CHEVY CHASE BOULEVARD,
CHEVY CHASE, MD.,
May 28, 1970.

Hon. JOSEPH D. TYDINGS,
U.S. Senate,
New Senate Office Building,
Washington, D.C.

DEAR SENATOR TYDINGS: I am writing as one of your constituents to urge your most serious consideration of the amendment to H.R. 15628 (No. 648) recently proposed by Senator Vance Hartke. As you know, this amendment to the proposed amendment of the Foreign Military Sales Act would deny continuation of military aid to the current government of Greece.

Last summer my wife and children and I spent a month traveling in all parts of Greece, and we were appalled and dismayed by the change which had taken place in that country since our earlier visit in 1958. What used to be one of the most open and free countries in the western world has been transformed into a police state. Freedom of speech and freedom of the press have been almost totally eliminated, and people who used to be friendly and outspoken are now living in almost constant fear and apprehension. Arrests, threats, and intimidation—even of leading public figures—are commonplace.

I should like to emphasize that my observations are not only those of a tourist, but also those of someone who had an opportunity to visit and talk in private with a wide variety of persons—former friends and acquaintances, teachers, physicians, and businessmen. One of my most shocking and depressing experiences was an extended conversation with a (then) member of the Administrative Supreme Court of Greece, who told me of the terror, intimidation, and torture that he and his colleagues had experienced almost continuously since the current regime came into power. (I understand that this man is now in prison.)

Nearly all of the Greeks with whom I talked, including a few who held important positions in the government, felt that this oppressive regime depends heavily for its survival on American military aid. There were, to be sure, differences of opinion about how long the regime could continue if our military aid were stopped, but nearly everyone felt strongly that the regime could not survive indefinitely without it.

One of the unfortunate side effects of this continuing U.S. support of the current Greek regime is that it is clearly eroding the long-standing warmth and friendship that the Greek people have felt toward the American people. In our earlier trip to Europe in 1958, we were greatly impressed with the fact that Greece was one of the few (if not the only) country of the several that we visited where there was no undercurrent of envy or hostility toward Americans and where people in all the cities and towns that we visited felt a strong bond of friendship and gratitude towards us. It seems clear that this positive relationship is now seriously threatened by our continuing support of the current regime.

In short, I feel strongly that it would be in the best interests of both the American people and the people of Greece if you were to lend whatever support you can to Senator Hartke's proposed amendment.

Sincerely yours,

ALEXANDER W. ASTIN.

GENEVA, SWITZERLAND,
June 5, 1970.

Mr. PAUL S. LYKOUDIS,
West Lafayette, Ind.

DEAR MR. LYKOUDIS: The situation in Greece, as I am sure you are aware, develops from bad to worse. However, our people will never accept the dictatorship as the status quo. The Greek people were expecting, until a while ago, that pressures from abroad and primarily from the United States, in conjunction with the total lack of support from the people and the junta's failures in almost everywhere, would be enough for the restoration of democracy.

The lapse of three years (1967–1970) has revealed to us many things: The insistence of the United States in supporting the junta even after the decision of the Council of Europe and after the condemnation of the colonels as torturers by the European Commission of Human Rights, has created an unprecedent wave of wrath. Whatever is American creates revulsion. Americans are considered, and with justice, to be the only dynamic element supporting the junta. The recent revelation that the Pentagon has supplied arms to the Greek dictators without the knowledge of the Senate has been a shaking event. The statement of an American General before the Senate that there are no tortures in Greece and that the uproar about them is part of the communist propaganda, has shown that the Pentagon has contempt for the truth and also for the European governments which condemned the colonels as torturers.

On the other hand the photographs of Ambassador Tasca taken with the wife of the chief of the junta, published in the controlled press, the visit of the American Secretary of the Air Force, the dinner of President Nixon's brother with junta leaders and his private

conferences with them, and the almost weekly visits of upper ranking American military, complete the picture of the American attitude against the tragedy of our country.

But with full conscience of reality and the possibility of America's influence as one of the greater powers in the shaping of Greek political life, I must tell you that the wave of anti-Americanism prevailing today undermines these possibilities decisively and has already identified the United States in the absolute with all that is illiberal and antidemocratic.

Another point to which I wish to draw your attention is the position of the communists who are being guided by Moscow. It is evident that they are waiting for the completion of the wearing out process of the western type of democracy, before they decide to act.

The responsible American officials might be under the belief that the "grapes of wrath" of the Greek people are not going to ripen or, that in any case, this process will be delayed and consequently there is time during which more immediate problems can be solved. This analysis distorts the problem: It underestimates such influencing factors as, (a) the fact that the Greek political world (the whole spectrum, from right to left) has stated that it considers the American government, or its various semi-independent agencies, as the only supporter of the dictatorship. (b) that the new Greek leadership which is now in the making, is being formed with the vision of an independent national democracy and (c) that the middle-east crisis, Cyprus, and the presence of the Soviet fleet in the Mediterranean cannot be faced on the single assumption that the soil of Greece is good for military bases, as long as these bases are surrounded by people who are under occupation, and therefore hostile.

The above findings are not written without bitterness. Yet they are made by all those who care about our country, worry about democracy and see so many struggles and sacrifices gone in vain.

With friendly greetings,

GEORGE E. KOUVELAKIS.

WEST LAFAYETTE, IND.,
June 10, 1970.

HON. VANCE HARTKE,
U.S. Senate,
Washington, D.C.

SIR: I have just received a letter from Mr. Kouvelakis which has caused me the greatest concern. I thought it only appropriate that you should share its contents with me since it bears witness and very eloquent testimony to your proposed amendment in the Senate on the matter of military aid to Greece.

I enclose herewith the translation of Mr. Kouvelakis' letter which I drafted in haste in the hope that it will suffice in getting his urgent message across to all of us in the United States.

Mr. Kouvelakis is a junior member of the Greek Council of State which is the equivalent of our Supreme Court in all matters constitutional. You may recall that in June 27 of last year the military government of Greece ousted the President of the Council of State. Mr. Kouvelakis resides since then in exile in Geneva, Switzerland serving for the time being as an Associate of the French National Center of Scientific Researches.

I should also add that Mr. Kouvelakis' name has been mentioned several times during the trial of the thirty four in Athens of last April. Please feel free to release in any way you see fit the contents of this communication.

May I wish you once again the best of luck for your amendment.

Sincerely,

PAUL S. LYKOUDIS,
Professor.

BROAD AMERICAN SUPPORT FOR HARTKE AMENDMENT

Mr. President, I have received letters from all over America and Europe supporting this amendment and deploring the dictatorial regime in Greece.

Well over 3,000 signatures have been collected on petitions supporting my amendment; 2,000 from California, over 500 from Philadelphia, over 450 from Minnesota, more than 200 from Michigan and over 500 from Indiana.

Among the distinguished Hoosiers to support the amendment was former Gov. Matthew Welsh.

In addition, I have received letters of support from the distinguished economist Robert L. Heilbroner and the financial analyst Eliot Janeway.

I found Mr. Heilbroner's view of our involvement with the Greek dictatorship very perceptive. He states:

United States support for the Greek Military Dictatorship is not only a moral affront to the fundamental principles to which this nation claims to be dedicated, but is also a political course of action that may involve this nation in another ill-advised foreign adventure.

The PRESIDING OFFICER (Mr. BOGGS). All time having expired, the question is on agreeing to the amendment of the Senator from Indiana. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia (when his name was called). On this vote I have a live pair with the Senator from Wisconsin (Mr. NELSON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Wisconsin (Mr. NELSON), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

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

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from Iowa (Mr. MILLER) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

The result was announced—yeas 42, nays 50, as follows:

[No. 183 Leg.]

YEAS—42

Anderson	Harris	Mondale
Bayh	Hart	Montoya
Brooke	Hartke	Moss
Burdick	Hatfield	Muskie
Case	Hughes	Pastore
Church	Inouye	Pell
Cooper	Jackson	Proxmire
Cranston	Javits	Ribicoff
Eagleton	Kennedy	Saxbe
Ellender	Magnuson	Symington
Fulbright	Mansfield	Tydings
Goodell	McCarthy	Williams, N.J.
Gore	McGovern	Yarborough
Gravel	Metcalf	Young, Ohio

NAYS—50

Aiken	Fong	Percy
Allen	Goldwater	Prouty
Allott	Griffin	Randolph
Baker	Gurney	Schweiker
Bellmon	Hansen	Scott
Bennett	Holland	Smith, Maine
Bible	Hollings	Smith, Ill.
Boggs	Hruska	Sparkman
Byrd, Va.	Jordan, N.C.	Spong
Cook	Jordan, Idaho	Stennis
Cotton	Long	Stevens
Curtis	McClellan	Talmadge
Dole	McGee	Thurmond
Dominick	McIntyre	Tower
Eastland	Murphy	Williams, Del.
Ervin	Packwood	Young, N. Dak.
Fannin	Pearson	

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

Mr. Byrd of West Virginia, against.

NOT VOTING—7

Cannon	Miller	Russell
Dodd	Mundt	
Mathias	Nelson	

So Mr. HARTKE's amendment was rejected.

AMENDMENT NO. 671

Mr. GRAVEL. Mr. President, I call up my amendment No. 671.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. The Senator from Alaska (Mr. GRAVEL), for himself and others, proposes an amendment (No. 671) as follows:

At the end of the bill, add the following new section:

SEC. 14. No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the Island of Okinawa to the United States. Such funds as are necessary for the detoxification or destruction of the above described chemical munitions are hereby authorized and shall be used for the detoxification or destruction of chemical munitions only outside the United States.

The PRESIDING OFFICER. Does the Senator from Alaska modify his amendment so that it will come at the end of the pending committee amendment, instead of at the end of the bill?

Mr. GRAVEL. I so modify the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRAVEL. Mr. President, on June 2 I submitted amendment No. 671 to the Foreign Military Sales Act because I oppose the shipment of our nerve gas inventories in Okinawa to Alaska, Hawaii, or the continental United States and believe it to be in the best interests of the United States and world peace to detoxify or destroy these deadly chemical munitions.

The nerve gas controversy erupted over a year ago when it was learned that the Department of Defense was planning to ship some 27,000 tons—approximately 500 railroad cars—of unservicable bombs and rockets containing nerve gas agents from the Rocky Mountain Arsenal in Colorado, the Anniston Army Depot in Alabama, and the Bluegrass Ordinance Depot in Kentucky across country to Earle, N.J., for loading onto ships for burial in the Atlantic Ocean.

Because the fuses in these munitions are subject to increasing deterioration over the years, the Army had maintained until recently that it was dangerous to attempt to defuse them and they viewed with apprehension the dangers involved

in detoxification or destruction of these nerve gas agents.

Their only recourse apparently was to dump these munitions at great depths in the ocean with the rather uncertain hope that their deadly contents would never seep to the surface.

One high ranking military officer explained reassuringly that no seepage could possibly occur for 200 or 300 years, and further that if seepage did occur it was not likely to rise to the surface because of the water pressure at those depths, and after all, even if it did, there was really no need to worry since none of us would be around several centuries from now anyway.

Fortunately, the public outcry coupled with the recommendations of a 12-member panel of the National Academy of Sciences against the Defense Department plan prompted its cancellation and the subsequent decision to detoxify the bulk of these munitions at the Rocky Mountain Arsenal.

The National Academy of Sciences report dealt with accidental dangers of a cross country railroad shipment and other issues related to the destruction of the weapon. It worried that some lunatic might attempt to interfere with the movement. And as to destruction at sea it stated:

> There is some possibility of a large detonation of M34 clusters upon sinking of the ship in the ocean. As already noted limited sympathetic detonation in a cluster has been observed in a test in air. The better impedance match of water invites a massive sympathetic detonation should a bomblet detonate. We consider that this is a probable event upon the impact of the ship's hulk on ocean bottom (7,200 ft. deep), which it reaches at a speed that has been estimated from 10 to 100 ft/sec."

While I believe the Department of Defense has devised elaborate safety precautions in response to the recommendations of the National Academy of Sciences, I am still concerned that some horrible unforeseen accident is always possible.

The Department of Defense can argue that they have never had a fatality from any accident other than the 6,000 sheep killed near the Dugway Proving Grounds in Utah in 1968. However, there have been some rather frightening instances of nerve gas seepage and the exposure of installation personnel or even the embarrassing and highly dangerous loss of chemical munitions.

Two recent examples involve my own State. During late 1966 or early 1967 the Army conducted some tests at Fort Greeley, Alaska, in which they placed nerve gas munitions and nerve agent storage cylinders on a small frozen lake and prepared them for destruction. However, the disposal operation was delayed for some unknown reason. During this delay the ice thawed and the material sank to the bottom of the lake.

Incredibly, the incident apparently went unreported for several years. When it was revealed to the authorities at the test center, the lake was pumped dry to recover the munitions. They subsequently underwent detoxification which was completed in September of 1969—some 2½ to 3 years later. The Army has released few details of the accident and still has the matter under investigation. I have asked the Defense Department to provide me with a copy of their findings.

On another recent occasion I can recall the difficulty the department of defense had in destroying a shipload of munitions off Alaska's Aleutian chain. While towing the ships in these waters the lines broke; the ship was lost in the fog full of explosives; drifted for days; was finally located; the military tried bombing it; sank it at last; and I am not sure yet whether the munitions have exploded or not.

I mention these two incidents merely to point out that munitions accidents not only can happen but have happened. I am sure other Members of the Senate are aware of equally disturbing examples in their own States.

Against this background, it is difficult to comprehend the political decision announced late last year to move these nerve gas weapons from Okinawa, first by ship and then by rail, to the Umatilla Army Depot in Oregon. The Okinawa inventories, which purportedly represent about 10 percent of our total chemical stocks, would require five ships to accomplish the move. The movement plan which was code named "Operation Red Hat" immediately met strong opposition from an unusually large number of concerned citizens as well as the Governors and U.S. Senators from the States of Washington and Oregon.

As a result, this ill-advised decision was scrapped and it was decided that a more suitable location should be sought which presented fewer political repercussions.

It first appeared that the Army had decided that the naval station at Kodiak, Alaska, was just the right spot—even though no storage facilities exist for nerve gas agents.

However, the Defense Department has apparently given up plans to transfer its stockpile of nerve gases from Okinawa to Kodiak, or elsewhere in the continental United States, and is now considering Johnston Island in the Pacific.

These lethal chemicals could be detoxified for less than the cost of the estimated $6 to $11 million which will be necessary to construct storage facilities at any unprepared site, not to mention the savings that would result by eliminating the costs of personnel and base support services which will be required in perpetuity. These latter costs could conservatively be estimated at $2 million annually.

In fact, an executive of one of the manufacturers of incinerators designed to burn pollutants, has stated that his firm—or others like it—could manufacture equipment with the capability of doing the detoxification job safely, quickly, and economically. Total costs of this operation would be only a fraction of the costs incurred in keeping the weapons.

A furnace capable of burning 100 gallons of gas per hour, operating continuously, could be built for $250,000 to $400,000, it has been estimated. Such a furnace could destroy 407,000 gallons of gas in 170 days. Others have estimated that through hydrolysis—mixing of the gases with alkalines—the stockpile could be detoxified for $134,000 in less than a month.

Recognizing the great variability in cost-estimating in any case like this, let us say the estimates are understated by a factor of four. The costs of keeping these particular weapons would still be more than double the cost of destroying them.

At this juncture let me make it clear that my opposition in this matter goes far beyond my concern over the ultimate location of a storage site or the safety of the various Department of Defense movement and storage plans.

My principal concern is the larger question of whether these kinds of weapons have any necessary place in our arsenal of defense.

Surely the justification for continuing to develop, produce, and test chemical weapons should not be based on whether we can safely test or store them.

Chemical munitions are considered tactical defensive weapons since strategic employment would require substantially larger numbers of missile delivery units to achieve the same results as a few high yield nuclear warheads.

Unlike a conventional artillery projectile or even a tactical nuclear weapon whose destructive radius can be rather accurately calculated, the effects of a nerve gas attack can be highly unpredictable because of its susceptibility to weather conditions such as wind and humidity.

In such a situation, both friendly and enemy forces as well as innocent civilians could all become victims.

For those of my colleagues who are not familiar with the physiological symptoms of exposure to our GB nerve agent—one of the chemical munitions in our inventories at Okinawa—I would like to quote from army literature:

> Individuals poisoned by GB display approximately the same sequence of symptoms regardless of the route in which the poison enters the body (whether by inhalation, absorbtion, or ingestion). These symptoms, in normal order of appearances are: running nose; tightness of chest; dimness of vision and pin pointing of the eye pupils; difficulty in breathing; drooling and excessive sweating; nausea; vomiting, cramps, and involuntary defecation and urination; twitching, jerking and staggering; and headache, confusion, drowsiness, coma and convulsion. These symptoms are followed by cessation of breathing and death.

It should be noted that after receiving a fatal dose of GB, death usually results in only 15 minutes.

A second nerve gas agent, identified only as VX and also contained in our Okinawa inventory, is several times more lethal than GB.

It is the military's argument that chemical weapons are part of our deterrent capability.

Some of our military fear that the West would be at a distinct disadvantage if we did not retain our chemical weapons. They foresee a large conventional war in Europe in which NATO might be forced to retreat while suffering heavy casualties from persistent gas attacks. NATO forces might be required to don protective equipment to counteract the threat but thereby cede a mobility ad-

vantage to the East which might be decisive. In desperation, the West would be forced to use tactical nuclear weapons leading to a strategic exchange.

It is argued that maintaining sufficient chemical stocks would act as a deterrent to their use by others and would enable us to respond without resorting to nuclear weapons. This line of reasoning is hardly convincing. Furthermore, what assurances do we have that our NATO allies would be willing to let us unleash nerve gas weapons in their countries?

In my opinion, it is highly doubtful that a large-scale war would ever be fought in Europe without the employment of nuclear weapons.

It is even more difficult to imagine a war in Europe in which lethal nerve gas weapons were used by either side which would not immediately escalate to nuclear weapons as a consequence.

Some might say that we should have the flexibility to use any kind of weapon during time of war. After all, it can be argued that gas warfare is no more horrible than thermonuclear annihilation. Therefore, why make any artificial distinctions?

There is some merit to this point of view and I would agree with it to the extent that we could be rid of them both.

However, I cannot agree it is a satisfactory reason in this world of overkill to continue the insanity of devising additional and more frightening ways of doing away with each other.

Gas warfare has been universally condemned by most nations and various agreements and treaties have been ratified to prohibit their employment.

In addition, chemical and biological warfare—CBW—was the subject of extensive debate in the United Nations General Assembly during 1969 and occupied more attention than any other disarmament issue.

CBW has also been the subject of the Geneva Conference of the Committee on Disarmament—CCD—in both 1969 and 1970.

Draft resolutions and conventions which resist and/or prohibit the production and use of chemical and biological weapons have been introduced at the United Nations and the CCD.

It is interesting that the Soviet Union offered a draft convention which prohibits the development, production, or stockpiling of chemical as well as biological weapons. It should be remembered that the bulk of the Soviet chemical stocks were produced during the late forties and early fifties when they could not afford to match our nuclear capability.

So, I think it is a propitious time to begin negotiations with the Soviet Union on a ban of chemical and biological weapons now that a relative nuclear parity exists between us. Any such agreement could only smooth the way for other such agreements designed to reverse the costly arms race.

I was encouraged last November when President Nixon issued his statement on chemical and biological defense policies and programs. He announced that the United States was renouncing the use of lethal biological agents, weapons, and all other methods of biological warfare. He also called for the disposal of our existing stocks of bacteriological weapons and asked the Defense Department to make the necessary recommendations for their disposal.

He also renounced the first use of chemical weapons but stopped short of calling for the disposal of these chemical munitions.

The President further advised that he would submit to the Senate for its advice and consent to ratification, the Geneva Protocol of 1925, which prohibits the use in war of asphyxiating, poisonous or other gases, and of bacteriological methods of warfare.

Eighty-four nations have ratified the protocol, including the Soviet Union. The United States is a signatory to the protocol but has yet to ratify it. It has been 7 months since the President promised to submit the protocol.

As an indication to the world of our leadership and good intentions, I again urge the President, as I did on June 2, to submit the Geneva protocol for Senate ratification, to reconsider his decision to ship the nerve gas inventories located on Okinawa to the United States, and to order the detoxification and destruction of these munitions outside the United States.

As the President stated last November:

> Mankind already carries in its own hands too many of the seeds of its own destruction.

A reversal of the arms race has long been overdue.

I call upon the Senate to support my amendment to destroy the stockpile of nerve gas munitions presently stored on Okinawa, rather than transport them for storage anywhere and by this action begin to implement the spirit of the Geneva protocol.

This amendment, Mr. President, goes to the heart of a very volatile international issue. At this point, I wish to quote two lines from a report of the Subcommittee on National Security Policy and Scientific Developments of the Committee on Foreign Relations and the Committee on Foreign Affairs of the House of Representatives.

The first two lines of that report state:

> Among all forms of warfare, none stands more condemned before the bar of mankind than the use of chemical and biological agents.

Mr. President, all that this amendment would do is detoxify or bring about the authorization to detoxify about 10 percent of our CB stockpiles, which are located presently on the island of Okinawa, and which apparently will have to be moved as a result of an agreement made with the Japanese and the Okinawans.

Our vote on this amendment today would go beyond that act, very simply, and would invite the President to send to the Senate the Geneva Protocol of 1925, upon which he indicated last November 25, he would seek the Senate's advice and consent but which request for some reason has been delayed.

The second thing that would be accomplished by this simple amendment would be to shore up our prestige in the world community; and, third, it would save a considerable sum of money, in that it would do away with a weapon that, by the military's own action, lacks credibility. I quote from the President's statement of November 25:

> Mankind already carries in its own hands too many of the seeds of its own destruction. By the examples that we set today, we hope to contribute to an atmosphere of peace and understanding between all nations.

That was President Nixon's statement on November 25, 1969. My amendment would reinforce that statement and enlarge upon it.

I should like to ask the manager if the committee would be willing to accept the amendment, in which case I need go no further.

Mr. CHURCH. Mr. President, I inquire of the Senator from Alaska whether the latest decision just recently announced by the administration has been to withdraw the chemical munitions from Okinawa to Guam; and if that is so, is it not correct that there is nothing in this amendment that would conflict with the policy of withdrawal of the munitions, if they are withdrawn entirely in accordance with the U.S. policy toward the Pacific Ocean?

Mr. GRAVEL. It seems that the situation, as it presently exists, is not quite as the Senator has stated. A survey team was sent to Alaska, which was the last place on the continental United States indicated as a repository for the gas. That survey team came back, and, as a result of the outcry and public protest, no official report was issued by the survey team. Now another survey team has been sent to Johnston Island, to assess the possibility of making it a storage area. What my amendment would do would be to authorize funds to detoxify the gas stored on Okinawa, which would preclude the necessity of the movement to Johnston Island, Guam, or anywhere in the Pacific.

Mr. CHURCH. But if the decision is to remove these chemical munitions from Okinawa to Johnston Island or to Guam, there is nothing in the Senator's amendment that would prevent that from happening, is there?

Mr. GRAVEL. Yes, it would. The amendment reads:

> No funds authorized or appropriated pursuant to this or any other law may be used to transport chemical munitions from the island of Okinawa to the United States.

I think that may leave it open for the interpretation that they could move it, if they so desired. I think the will of the Senate ought to be clear, though.

Mr. CHURCH. I think it ought to be clear. I am hopeful we can take the amendment to conference, but I think the legislative history should be clear that the words "United States" means the United States proper, and not possessions of the United States located in the Pacific.

Mr. JACKSON. Will the Senator yield on that point?

Mr. GRAVEL. I yield.

Mr. JACKSON. This disturbs me, because if there is not a clear legislative history on this to the contrary, "the United States" normally means not just the 50 States, but also includes the possessions of the United States and the territories, which would normally cover

in this case, because of their pertinency to the discussion, Johnston Island and Guam.

I ask the Senator—the Senator from Idaho has already asked part of my question—whether or not it is his interpretation of the amendment that it would prohibit the movement to Johnston Island or to Guam?

Mr. GRAVEL. I would interpret it as such, that it would preclude the movement.

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

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. The Senator could meet the objection with the following simple change in language: "One of the 50 States of the United States."

Mr. CHURCH. Or to the mainland.

Mr. GRAVEL. Well, Hawaii is a State. It is not a part of the mainland.

Mr. MAGNUSON. Johnston Island used to be a part of the territory of Hawaii. I do not believe it is a part of the State now.

Mr. JACKSON. No; it is not.

Mr. CHURCH. No.

Mr. FULBRIGHT. Would the change I suggested not solve the matter?

Mr. GRAVEL. No; that is not the intent.

Mr. TOWER. What does the Senator intend?

Mr. GRAVEL. I intend to detoxify this arsenal on Okinawa at the present time. Apparently the military has already made its decision not to bring it to the continental United States. So now they go back to the tactical argument for keeping it in the Pacific. Originally they were going to withdraw it from a tactical area, because they did not consider it a credible weapon. Now, because of the outcry in Washington, in Oregon, and in Alaska, they retreat again to the position of putting it back in a tactical position. I submit they were trying to save money in bringing it out. I think it would be logical to proceed with that logic, and save money by detoxifying the weapons.

Mr. CHURCH. Would the Senator be amenable to modifying the amendment to refer to the 50 States, rather than the United States? Under those circumstances, it might be possible for the committee to accept the amendment and take it to conference.

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

Mr. GRAVEL. I yield.

Mr. MAGNUSON. I have an amendment pending, cosponsored by the Senator from Oregon and others, which calls for the prohibition of the shipment of this gas to the United States. The Senator from New Jersey (Mr. CASE) has asked to be added as a cosponsor to this amendment. Of course, I will withdraw my amendment if something can be worked out here. I would have to check on this, but I had some experience during World War II with Johnston Island. At that time it was virtually being run by the city council of Honolulu. I do not know whether Hawaii kept some of this quasi-jurisdiction over Johnston when they became a State. I think we ought to establish this point definitely.

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

Mr. MAGNUSON. I yield.

Mr. JACKSON. Inasmuch as I handled the statehood bill for Hawaii, I think we can make it very clear that Johnston Island is not within the State of Hawaii. This is a separate possession.

Mr. MAGNUSON. That was my impression, but I wanted to make the point clear. I thank the Senator.

Mr. JACKSON. This is a possession of the United States. It is not a territory. It is a possession of the United States. Guam is a territory organized under an organic act.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. What has happened to the Geneva protocol which last fall the administration, with great fanfare, said it was sending to the Senate? Since then we have heard no more about it?

The Foreign Relations Committee was criticized by some commentator about 2 weeks ago for not taking action on the Geneva protocol. The fact is that it has not been resubmitted to the Senate, and obviously the committee cannot act on it until it is.

Mr. GRAVEL. From a historical point of view, the commentator is probably correct, since the protocol was sent in 1946 and was withdrawn by the President in 1947, and was never brought up for a vote, since the majority leader at that time felt that he did not have the votes.

The President, on the heels of a resolution sponsored by 108 Members of the House, said he would be sending the protocol to the Senate. The House, as reported, is very explicit that the President so do. That was 7 weeks ago, and I have not been able to find out why the administration has not bothered to send down the protocol.

Of course, it flies in the face of charges that many things are rhetoric and do not become fact. I do not think that is the case, because I think the President's statement is very good in this regard, and I am sure that the receipt of this protocol by the Senate is imminent.

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

Mr. GRAVEL. I yield.

Mr. TOWER. Does the Senator's amendment require detoxification at Okinawa?

Mr. GRAVEL. No. It states that the funds are authorized.

Mr. TOWER. But it does prohibit removal of this material to Guam, where it might be detoxified or stored?

Mr. GRAVEL. If Guam is considered part of the definition of the United States, it would.

Mr. TOWER. What is the Senator's intent?

Mr. GRAVEL. To cause the detoxification of the gas at Okinawa.

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

Mr. GRAVEL. I yield.

Mr. JACKSON. Is it not a fact that we are trying to reach an agreement with the Russians to eliminate the use of bacteriological and chemical agents? Our Government has announced that we are disposing of all our bacteriological agents. The one area that is left pertains to chemical agents. If we are going to try to reach agreements with the Russians to achieve mutual elimination of bacteriological agents and also chemical agents will we be abiding the negotiating process if we unilaterally proceed to eliminate a substantial part of our stockpile of chemical agents?

Personally, I want to see an elimination, under proper safeguards, of both agents—chemical and bacteriological.

I ask the Senator what impact this amendment will have on such negotiations as have been underway in Geneva for some time. This is separate and apart from the SALT talks.

Mr. GRAVEL. The impact, to my mind, would be very beneficial, because we are somewhat stuck on the dime.

Let us go back to the fact that the letter "C" stands for "chemical" and the letter "B" stands for "biological." We have unilaterally—and I want to underscore and compliment the President in so doing, as one individual—acted to do away with the biological. What I am suggesting is a very minor—only 10 percent—unilateral move toward the chemical.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. GRAVEL. No, because I want to finish my point with the Senator from Washington.

The President made reference in his statement on November 25 to the fact that he was supporting the draft convention put forth by the United Kingdom, which only addresses itself to the biological aspects of C–B, while the draft convention put forth by the Soviet Union addresses itself to the biological aspects and also the chemical aspects. As I interpret the President's statement, he is trying strenuously to avoid the chemical issue; and I am pointedly trying to bring it up in the Senate, so that we may, in one small measure, without being injurious to our posture, take care of it.

Mr. JACKSON. Is it not a fact that after our Government on November 25, 1969, announced the elimination of biological agents in our stockpile, the Soviet Union declined to respond by moving to eliminate biological agents from its arsenal? I understand that the Soviet Union insisted that a general agreement was necessary and that in order to reach it, the agreement would have to cover all chemical and bacteriological—biological—agents. If we now proceed to disarm unilaterally in chemical agents I wonder what effect this is going to have on agreements that I want to see reached at Geneva which will lead to the actual elimination, under proper safeguards, of bacteriological and chemical agents from the arsenal of Soviet weapons, as well as from other arsenals.

Mr. GRAVEL. In my recent research, which has been intensive, I have found nothing to indicate the position the Senator has just indicated, but that the Russians have taken the opposite position. I have seen cases where they actually have taken the leadership, and I think we should actually stand in somewhat shame. We are the only major nation

that has not signed the Geneva protocol. Red China has signed it. The Soviet Union has signed it. The Soviet Union has come forward with an initiative counter to that of the British, indicating that they are willing to set aside the C–B aspects forever.

Mr. JACKSON. I will be glad to supply for the RECORD the statement of the Soviet Union on the day of President Nixon's announcement that we were doing away with existing stockpiles of bacteriological agents. The Soviets put all their emphasis on an overall general agreement sometime in the future—and have made no move to follow our lead in actually disposing of their stockpiles of bacteriological agents.

I think this is very important, because I think everyone in this Chamber wants to see safeguarded agreements that will eliminate these horrible weapons, both chemical and biological. This is what concerns me, and we are in the early stages of the negotiations to reach such agreements.

Mr. GRAVEL. I beg to differ with the Senator. I would be happy to see for the RECORD these Russian statements. The U.N. record is replete to the effect that our position has been 180 degrees opposite from what the Senator has stated.

Mr. JACKSON. Is it the Senator's position that the Soviet Union is willing to take parallel action to do away with their bacteriological agents as we dispose of ours in line with President Nixon's November 25 order.

Mr. FULBRIGHT. With chemicals and biological weapons—coupling the two together.

Mr. JACKSON. That is what I am saying.

Mr. GRAVEL. That is exactly what the Soviet Union is saying. They are willing to do away with both of them.

Mr. JACKSON. They have not moved to do away with their bacteriological agents, as we are doing. They say a general agreement is necessary first.

Mr. GRAVEL. I think the Senator is entitled to put the statements of the Soviet Union in the RECORD. I have discovered that we have the bad position and they have a very advantageous propaganda position.

Mr. JACKSON. All I am saying is that when we made the announcement that we would eliminate our bacteriological agents, they refused to do the same. They insisted that all of this has to be negotiated in an overall agreement. Now we are trying to negotiate agreements with the Russians at Geneva relating to bacteriological agents and also, in due course, to chemical agents. Are we serving that effort of negotiation with the Soviet Union if we proceed to move unilaterally to weaken our bargaining position on chemical agents?

I ask unanimous consent to include at this point in the RECORD the statement by Ambassador Roschin of the Soviet Union at the meeting of the First Committee of the United Nations General Assembly, November 25, 1969, insisting on a single international convention on chemical and biological weapons as a prelude to any progress in one of the fields.

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

STATEMENT BY AMBASSADOR ROSCHIN

Together with the need further to reinforce the Geneva Protocol of 1925, the urgent need has arisen to take the next step, that is to ensure internationally not only the prohibition of the use of chemical and bacteriological weapons, but also the prohibition of their development, production and stockpiling. That would make it possible to settle once and for all the problem of the complete elimination from the life of man of all chemical and bacteriological (biological) weapons.

Those two types of weapons must in our view be considered together. It would be unjustified to divide them because of their nature and because of political considerations. Contemporary science finds it difficult to establish a clear-cut limitation between chemical and bacteriological weapons.

The Geneva Protocol of 1925 deals with both. Many scientific treatises relating to this topic also do not distinguish between chemical and bacteriological (biological) weapons and treat them as one single problem. The same is true here in the United Nations where they have always been considered together. They are also dealt with as one single problem in the report of the Secretary-General on chemical and bacteriological weapons, and we think that many delegations are quite right in criticizing the approach to the problem of chemical and bacteriological weapons of the United Kingdom, which suggested in the Disarmament Committee that it deal only with the prohibition of biological weapons. And we disagree with the representative of the Netherlands, who said that the first step should be taken first—that biological weapons should be prohibited, and then chemical weapons. Were we to travel along this path, prohibiting one weapon, we would in fact switch on a green light for the development of the other weapon, but in present day conditions we must say and stress that—in view of the stockpiles already accumulated and of the fact that many States of the world possess them—chemical weapons are a particularly dangerous type of weapon. Therefore to separate those two types of weapons, as proposed by the representative of the United Kingdom, and as advocated today by the representative of the Netherlands, would be extremely inappropriate and even dangerous.

Mr. TOWER. Mr. President, will the Senator yield, to supplement his question?

Mr. JACKSON. I yield.

Mr. TOWER. Is the Senator from Alaska contending that this will enhance our bargaining position with the Soviets, if we unilaterally detoxify all our chemical agents?

Mr. GRAVEL. When the Senator talks of enhancing our position, it is simple. If the Senator says he is going to stop something and I say I am going to stop something, we both stop it. The Soviet Union for 2 years has indicated it is willing to lay down C–B's. All we have been willing to say is that, as of last November, the President said, "I will unilaterally act on biological, but I will not say anything about the chemical aspects of it because we are using it extensively in Vietnam."

Mr. TOWER. The Senator, then, means that if we will unilaterally abandon our stockpiling of this material, the Soviets will do the same?

Mr. GRAVEL. The Senator considers this amendment, which goes to 10 percent of our stockpiles, to go unilaterally toward the entire situation. I do not think so.

Mr. TOWER. The Senator thinks it enhances our bargaining position?

Mr. GRAVEL. No question.

Mr. FULBRIGHT. Will the Senator yield?

Mr. GRAVEL. I yield.

Mr. FULBRIGHT. I should like to know what this means. As I read it, does it mean that no funds will be used to bring it to the 50 States in the United States, that it may stay in Okinawa, but that funds are authorized to detoxify it, and if not, would it just sit there and do nothing because so far as this reads, it does not make it clear, that they will allow it to stay there without touching it a year, 2 years, or 3 years?

Mr. CHURCH. The language would order detoxification but does not require it. So the administration could proceed——

Mr. FULBRIGHT. It says the money is authorized, does it not? It prohibits bringing it in. If we take the amount, it means all 50 States, is that not correct?

Mr. GRAVEL. Very much so.

Mr. TOWER. Plus the territories and possessions.

Mr. GRAVEL. That is the one point——

Mr. FULBRIGHT. We were talking about a modification——

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

Mr. GRAVEL. I yield.

Mr. GOLDWATER. Japan and the people of Okinawa have complained bitterly about this gas remaining, but it has to go somewhere, am I not correct?

Mr. GRAVEL. I do not know what agreements have been made by the President with the Japanese.

Mr. GOLDWATER. I am wondering—what I am trying to say is that it is going to be moved and what the Senator is suggesting is the detoxification; is that correct?

Mr. GRAVEL. I do not know whether it has to be moved. I have not seen any written agreement. It could stay there.

Mr. GOLDWATER. It is the chemicals the Senator is talking about.

Mr. GRAVEL. Right.

Mr. GOLDWATER. I think that matters somewhat.

Mr. TOWER. Will the Senator yield for a question?

Mr. GRAVEL. I am happy to yield to the Senator from Texas.

Mr. TOWER. Would this in any way inhibit the negotiations we have with the Japanese Government about storage of such materials on Okinawa? In other words, this would prohibit moving it anywhere over which the U.S. flag flies, whether it is a trust territory, a possession, or a protectorate—whatever.

Mr. GRAVEL. It could have that effect, of course, but it could also have the opposite effect, and that would be to indicate to the President of the United States and to the Senate that it realizes CB's are dangerous and that they should not be a part of our arsenal. Some of the small nations have indicated that we should welcome the Geneva protocol so

that we could reestablish our position in the world community, because it has been eroded tremendously. We are the first nation since World War I to use chemical agents in any extensive manner.

Mr. TOWER. Let me go back to the question asked about negotiations with the Japanese. Is the Senator suggesting that this ties our hands insofar as this being a negotiable item for removal with the Japanese is concerned?

Mr. GRAVEL. I would say that if this is adopted and it goes to conference, we are hopeful that it will accelerate presentation of the Geneva protocol to the Senate. Obviously, if it does impair the secret negotiations with the Japanese, I am sure that the conferees can be so informed and could strike it from the conference report. That would solve all problems with respect to negotiations with the Japanese; but more importantly, we would save the main thrust of what we are trying to accomplish here, that is, to reestablish ourselves in the court of world opinion, because the Senate is partly at fault. It was the Senate, from 1925 to 1947, which refused to act. It was not the Executive. It was the Senate.

Mr. TOWER. If the Senator would yield to the Senator from Arkansas, I think he is trying to get him off the hook there.

Mr. PASTORE. Mr. President, if the Senator will yield, as I understand it, the Senator from Alaska would like to see the detoxification of these chemicals, no matter where it happens, is that correct?

Mr. FULBRIGHT. Let me say this, that——

Mr. PASTORE. Wait a minute—let me finish—the Senator's amendment provides that this material cannot be moved from Okinawa.

Mr. GRAVEL. Right.

Mr. PASTORE. Is that correct?

Mr. GRAVEL. Right.

Mr. PASTORE. Therefore, by implication, it has to be detoxified if it is in Okinawa.

Mr. GRAVEL. Or left there in its present form.

Mr. PASTORE. Or left there in its present state, yes. How does the Senator get his detoxification?

Mr. GRAVEL. This amendment would authorize the money to go for the detoxification program.

Mr. PASTORE. In other words, the amendment provides for that?

Mr. GRAVEL. Provides for it, yes. If the administration does not choose it, they are not compelled to do it, as I understand authorizations and appropriations.

Mr. PASTORE. If the Japanese complained, then, that the gas is not detoxified and is on Okinawa, then there would be a compulsion on our part to do something about it?

Mr. GRAVEL. Yes.

Mr. PASTORE. So that is the reason the Senator wants it to stay there?

Mr. GRAVEL. Yes.

Mr. PASTORE. I think it is a very simple amendment. It is just a question of whether one agrees with it or not. [Laughter.]

Mr. CHURCH. Would the Senator consider modifying his amendment to apply to the 50 states? This would provide the administration some area if it is decided to negotiate an agreement with the Japanese, or in the event some such understanding has already been reached with the Japanese. The chemicals could, thus, be withdrawn from Okinawa to a place such as Johnston Island or Guam. If he would amend his amendment in that respect, then I see no reason why the committee could not take it to conference.

Mr. PASTORE. The only trouble there, by implication, would be that we are suggesting it be taken to Johnston Island or to Guam; but that is not what the Senator wants. He wants it to stay there, but let us detoxify it. That is his argument. Am I right or wrong?

Mr. GRAVEL. The Senator is right.

Mr. PASTORE. All right. That is it.

Mr. TOWER. I do not think it is a question so much of where it should go, but of the importance of getting into some negotiation with the Japanese that might work out.

Mr. MAGNUSON. I became a cosponsor of the pending amendment after the Pentagon changed its plans with respect to "Operation Red Hat." Initially they said they were going to move this nerve gas through the State of Washington to Oregon, and then they decided they would move it up to Alaska. An amendment which prohibted transportation to Washington and Oregon, but not to Alaska, would have been inconsistent. If it is not good enough for us, why should it be good enough for Alaska? I discussed this with the two Senators from Alaska and the Senator from Oregon, and we all agreed. That is how the pending amendment came to be offered.

I think that the Senate should take some position on this, and I will tell the Senate why. The administration never came up to the Senate to tell us what they were going to do in relation to Japan or Okinawa. They used the arguments made on both sides about an extension of the security treaty, claiming no new treaty was being considered. President Nixon has said on some occasions that we were going to remove weapons from Okinawa; after he had the meeting with Premier Sato here he said we would remove this obnoxious arsenal of materials of war from Okinawa, but mention was made only of nuclear weapons. I have looked through everything and do not find that the Senate was told this involved chemical gas as well. The impetus for moving this gas came from an accident, not from negotiations of which the Senate was advised.

Another reason why the Senate should act is that, prior to the meeting with Premier Sato of Japan, the Senate passed a resolution introduced by the Senator from Virginia, declaring that before the President made any commitments regarding disposition of Okinawa he should come to the Senate. That date was not long ago, some 4 or 5 weeks, I believe. But the resolution was completely ignored. In the meantime, this agreement on nerve gas was made. I cannot find anything in the President's original statement involving this type of chemical material. It may be that the President did say to Premier Sato that it was part of the agreement. If he did, then that was the agreement made—but it was an agreement of great importance about which the Senate was not consulted. It comes close to being, if it is not in fact, an unconstitutional usurpation of the Senate's power to ratify treaties.

Now I believe that we should have something to say about this. If we are going to have chemical and biological weapons, then I think that the Senate should know a little bit about what is done with them. "Operation Red Hat," as the Pentagon calls it, has been a constant problem. If we took a vote anywhere in the United States today, and proposed to move this gas to Idaho, to Texas, or to any other State, the people in that State would be almost unanimously against it. That is the position we are in.

Several Senators addressed the Chair.

Mr. MAGNUSON. Just a minute. Then the Pentagon decided they would not bring this gas into the continental United States. After all this furor, it came out that they meant Alaska, which is not contiguous to the other United States. Now they are talking about the Hawaiian Islands. I understand that no one wanted it in Guam, either. Guam is a territory of the United States, so the Senate should take some position on the gas being shipped there, too.

The original intent of my amendment was to keep this gas from coming into any of the United States—Washington, Oregon, Alaska, or any other.

They are now talking about shipping it to Johnston Island. That island is isolated. I happen to know a little about it because I was there during World War II. There is an airbase there; it is south of Honolulu.

I have not heard anything formal about this proposal.

I have asked the Department of Defense to abandon its plans on three occasions since they made the announcement concerning the shipment. I think that both Senators from Oregon have also. We pointed out that it would cost money to move it to the continental United States, that it would involve huge risks, and that the weapons were not needed. We asked why the shipment should be made to the United States when they knew that they would not use the gas in the United States. Assuming that it ever will be used—which we pray to God it never will be—they would then have to move it back to where they wanted it. Yet, much as logic was on our side, that was the end of that proposal, so far as the Pentagon was concerned.

As I have stated, I think we ought to take some action because if it was agreed by Mr. Nixon and the Premier of Japan that this type of chemical material was to be removed, I have not read about it. This, in spite of the fact that the Senate passed a resolution saying that the President should come here and discuss this matter of the Okinawan situation, including, by implication, such matters as troops and gas and nuclear weapons.

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

Mr. CHURCH. Mr. President, I yield such time as is available to the distinguished Senator from Washington.

Mr. MAGNUSON. Mr. President, the Senator from Alaska's amendment covers the 50 States, and then leaves it open to destroy this gas. It has been said that the Pentagon does not want to do that. I do not know. Does the Senator have any information about it?

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

Mr. MAGNUSON. I know that we have enough chemical and biological war material to destroy the whole world, anyway, regardless of what happens to the gas on Okinawa. The amount of that gas is insignificant in terms of the size at our CBW arsenal, but it is enough to cause a major disaster should an accident occur in shipping or storing it.

Mr. TOWER. Mr. President, I think that everyone is agreed that we do not want the stuff in the continental United States. We do not want it in Alaska, Hawaii, Oregon, or any of the 50 States.

What I am suggesting is that we ought to preserve a little elbow room. There was discussion about proper covenants arrived at during the Wilson negotiations. But it did not work.

We know that international matters have to be conducted in secret.

I am opposed to tying the administration's hands so that they would not be able to move the stuff someplace else and get it out of our way.

Mr. MAGNUSON. But on all of these occasions when we were discussing Okinawa, nothing was done to inform us of administration plans. We passed a resolution saying, "Please, Mr. President, before you start doing all of these things concerning Okinawa, come to the Senate and discuss some of them."

The President never did this. That is what we have been arguing about for 5 long weeks. That would have saved us a lot of trouble. It would have saved a lot of trouble for the Senators from Alaska and Washington and Oregon.

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

Mr. CHURCH. I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President is it a pertinent question here to ask about the negotiations with Japan when our Government has announced that its intention and plan was to transfer it and take it away from Okinawa and place it originally in Oregon?

The question is moot, in my opinion.

Second, the ratio of this amount of nerve gas to the total stockpile is totally insignificant.

Third, they are detoxifying some of the nerve gas in the Rocky Mountain arsenal in Colorado because of the aged canisters in which this kind of gas is stored.

Consequently, we have these factors which make moot the entire question of whether it would affect our negotiations with Japan.

Mr. MAGNUSON. Mr. President, I agree. But I like to argue before the fact, during the fact, and after the fact, if I have just reason to make a complaint.

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

Mr. CHURCH. I yield to the Senator from Alaska.

Mr. GRAVEL. Mr. President, I thank the Senator for being so conciliatory. I would like to address myself to trying to arrive at what might be an amalgam. But I think the amalgam would destroy the point that is trying to be made. And that is that the Senate should vote in favor of this and vote up or down on the issue before the world.

I disagree slightly with the Senator from Oregon. I do not think the matters are moot. I do not know what has been said between the President and Japan.

This is one way for the Foreign Relations Committee to find out if the executive branch is in concert with the beliefs the Senate might hold.

The point was made by the Senator from Texas that this was an attempt to tie the administration's hands.

By no stretch of the imagination is this an effort on my part to tie the administration's hand. I applaud the President for what he did with respect to bacteriological agents. If it is good for bacteriological agents, it is just as good for chemical agents.

We are trying to act as coequal branches of the Government and we are trying to give the President a prod. I think that a prod is needed. It has been 7 months since we heard we would soon receive the Geneva Protocol. And there is no reason to delay.

Mr. TOWER. Mr. President, why does not the Senator accept the suggestions made?

We all agree that we do not want it in any of the 50 States. We want to keep it out of Alaska, Hawaii, and Oregon.

The Senator is proposing tying the administration's hands to the extent that it cannot move it to any remote island in the Pacific.

Mr. GRAVEL. Mr. President, would it not be an intelligent assumption to make that if this does tie the administration's hands, the administration would come to the Foreign Relations Committee in conference and say, "This ties our hands. Will you gentlemen strike this provision?"

They can strike it, and there will have been no binding of the administration's hands.

It merely requires what the Senator was talking about, and that is some stand being taken by the Senate as to what is happening in this aspect of the field of foreign affairs.

It is a very sensitive area in which the United States has lost much ground in the court of public opinion because of what we have done unilaterally when this came about in November. The President then announced his action with respect to bacteriological agents.

Mr. TOWER. Mr. President, would the Senator inform me to what extent the court of public opinion has influenced Soviet policy?

Mr. GRAVEL. Oh, I think we could get into quite a broad argument with respect to the United States/Soviet relationship and the fact that some people might consider Cambodia similar to the situation of Hungary.

However, I do not think that would serve the purpose of this argument or concern the issues involved here.

Would the Senator from Texas like to address himself to the question of the chemical agents and what would happen if the administration were to turn around and tell the Russians, "Gentlemen, we now accept your proposal that you started making back in 1967."

Mr. HATFIELD. Mr. President, did not the Senator join with us in an amendment to prohibit the shipment of any of this gas to any part of the United States?

Mr. GRAVEL. The Senator is correct.

Mr. HATFIELD. Mr. President, do I understand that the Senator from Alaska has taken a different position in this respect?

Mr. GRAVEL. My position is that we should authorize the funds to permit the Defense Department to detoxify the gas. That is the point. It would be a first step for the United States to do something important in the realm of international affairs, and that would be of significance.

The United Nations passed a resolution by a vote of 80 to 3 in December of last year requiring that we renounce chemical and biological warfare.

Mr. President, if that is not clear as to what the nations of the world want, I do not know what is. I could go into it from a military viewpoint and point out that to keep the nerve gas militates against our best military interests.

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

Mr. GRAVEL. I yield.

Mr. PASTORE. Mr. President, do I understand that under no circumstances would the Senator like to amend his amendment to cover the 50 States because he is afraid that it would go to Johnston Island and he would not want it to go there because it might influence world opinion?

Is that what the Senator is saying?

Mr. GRAVEL. Not only world opinion; although that is one of the facets. I do not think it is needed.

Mr. PASTORE. The Senator does not want it to go to Johnston Island.

Mr. GRAVEL. I think it would be a waste of money for it to go to Johnston Island. They did not want to make such expenditures in a tactical theater where it is a tactical weapon.

Mr. PASTORE. The Senator from Rhode Island likes the amendment the way it is drawn.

Mr. CHURCH. Mr. President, I understand that the Senator from Alaska is not amenable to changing his amendment. I had said on behalf of the committee we would take it to conference if modified. Although I support it in its present form, I am unable to accept it on behalf of the committee because it draws a hard and fast line.

The Nixon administration has played rather loose on this matter. This discussion and vote should bring them up abruptly. It will force them to come to the Senate and the conference, and lay their cards on the table.

On that basis, I shall vote for the amendment. However, since the Senator is not amenable to any modification that would permit me as the manager of the

bill to accept it on the floor, I suggest we get to the yeas and nays.

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

Mr. GRAVEL. I am happy to yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, I am going to support the Senator's amendment because I think it should be passed, and for that reason, I have cosponsored it. In case the amendment does not prevail, I shall still submit my original amendment, which merely reads:

No funds authorized or appropriated pursuant to this Act or any other law may be used to transport chemical munitions from Okinawa to the United States.

That language is the same as the first part of the Senator's amendment.

Mr. FULBRIGHT. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CHURCH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from Alaska. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LONG. On this vote I have a pair with the Senator from Wisconsin (Mr. NELSON). If he were present, he would vote "Yea." I already voted in the negative. I withdraw my vote and state that if I were at liberty to vote, I would vote "Nay."

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. Russell), the Senator from Texas (Mr. YARBOROUGH), are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from Iowa (Mr. MILLER) is necessarily absent.

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

If present and voting, the Senator from Iowa (Mr. MILLER) and the Senator from South Dakota (Mr. MUNDT) would each vote "nay."

The result was announced—yeas 51, nays 40, as follows:

[No. 184 Leg.]

YEAS—51

Aiken	Gravel	Mondale
Allen	Griffin	Muskie
Bayh	Gurney	Packwood
Bible	Harris	Pastore
Brooke	Hart	Pell
Burdick	Hartke	Percy
Byrd, W. Va.	Hatfield	Prouty
Case	Hughes	Proxmire
Church	Inouye	Ribicoff
Cook	Jordan, Idaho	Schweiker
Cranston	Magnuson	Scott
Eagleton	Mansfield	Smith, Ill.
Eastland	Mathias	Sparkman
Fong	McCarthy	Stevens
Fulbright	McGee	Tydings
Goldwater	McGovern	Williams, N.J.
Goodell	Metcalf	Young, Ohio

NAYS—40

Allott	Byrd, Va.	Ellender
Anderson	Cooper	Ervin
Baker	Cotton	Fannin
Bellmon	Curtis	Gore
Bennett	Dole	Hansen
Boggs	Dominick	Holland
Hollings	Moss	Symington
Hruska	Murphy	Talmadge
Jackson	Pearson	Thurmond
Javits	Randolph	Tower
Jordan, N.C.	Saxbe	Williams, Del.
McClellan	Smith, Maine	Young, N. Dak.
McIntyre	Spong	
Montoya	Stennis	

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

Long, against.

NOT VOTING—8

Cannon	Miller	Russell
Dodd	Mundt	Yarborough
Kennedy	Nelson	

So Mr. GRAVEL's amendment was agreed to.

Mr. GRAVEL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. SCOTT. Mr. President, I rise to ask the distinguished majority leader what is the order of business for the remainder of today and subsequently.

Mr. MANSFIELD. Mr. President, in response to the question raised by the distinguished minority leader, it is my understanding that there are only two amendments remaining to the Cooper-Church section of the bill, and no amendments to the other parts.

It is my further understanding that this afternoon the distinguished assistant Republican leader (Mr. GRIFFIN) will speak on his amendment, as will the distinguished chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT). The distinguished senior Senator from Arkansas (Mr. MCCLELLAN) will speak on the general subject of the bill.

It is my further understanding, if this is correct, that before we proceed to consider the postal reform bill, the distinguished Senator from Michigan will call up his amendment, to have it pending when this measure comes before the Senate tomorrow. Is that correct?

Mr. GRIFFIN. Mr. President, I would say to the distinguished majority leader that that would be correct. It is my hope, particularly out of deference to the Senator from Iowa (Mr. MILLER), who could not be present today, that we would be able to vote on my amendment tomorrow.

Mr. MANSFIELD. Yes, indeed.

Mr. COOPER. Mr. President, if the Senator from Michigan intends to speak upon the amendment he proposes, and the Senator from Washington (Mr. JACKSON) intends to speak upon his amendment, I should like to be able to speak on those amendments also.

Mr. MANSFIELD. That is all right, because the time does not begin to run until an amendment is pending. There are others who will speak, though I hope for not too long, so that the Senate can get to legislation contemplated for the Senate's second shift, namely, the postal reform bill.

So, Mr. President, at this time I ask unanimous consent that the time begin to run tomorrow on the Griffin amendment at 11 o'clock, and the vote on that amendment take place at 12 o'clock.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. I ask for the yeas and nays on the Griffin amendment.

The PRESIDING OFFICER. The Chair informs the Senator that the yeas and nays cannot be ordered until the amendment is before the Senate.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that it be in order to order the yeas and nays now on the Griffin amendment.

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

The yeas and nays were ordered.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately upon the conclusion of the vote on the Griffin amendment, the Jackson amendment be laid before the Senate and made the pending business, the vote on it to take place, hopefully, sometime before the hour is concluded, because I understand it is a simple amendment.

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

Mr. MANSFIELD. The remainder of the time will be taken up by a vote on the Cooper-Church amendment at 2 o'clock, a vote on the Foreign Military Sales Act at 4 o'clock, and on the question of the veto of legislation at 5:30 o'clock. Thereafter it is anticipated that the Senate will again go into its second shift and continue its consideration of the postal reform bill, if action on it is not completed tonight.

Then on Wednesday, there is an order to convene at 9 o'clock, and at that time the Senate will return to normal operations on a one-shift basis, it will attempt to finish the postal reform bill, and, if need be, come in on Thursday at 9 o'clock.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. The Senator is proposing that on Wednesday and Thursday, then, we move over to a shiftless session, is that right?

Mr. MANSFIELD. Well, "shift less" sessions, the "less" being a reduction from two shifts down to one.

It is also hoped that, the Senate willing, we will be able to dispose of the Interior appropriations bill. I do not know about extending the debt limit; it depends on how much time we have, because I understand there will be some controversy. But if the debt limit is not extended I see no reason why we cannot pass a resolution of temporary extension, say, for a month, and take up the debt limit when we return following the Independence Day recess. Whether or not it will work out that way remains to be seen.

THE DEBT LIMIT

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

Mr. MANSFIELD. I yield.

Mr. LONG. May I say to the majority leader that the debt limit is a rather urgent matter. Starting on Tuesday, the

Government's right to sell series E bonds and issue other obligations of this Government expires. In the judgment of this Senator, at a minimum, the Senate should vote on this matter by then. It is something usually disposed of in about a day; and Congress, having voted these appropriations, ought to vote to let the Government pay its bills.

But if the Senate does not want to do that, we can see what happens when the Government does not pay its bills. My guess is that that is something we will not have to do more than once, because once we find out that, having voted appropriations, the people who carry the mail and the other Government employees do not get paid will educate us to the urgency of that measure.

If we ourselves want to declare our Government officially bankrupt, that is something that would be, in my judgment, very irresponsible to do, to place this Government in that position, having voted the appropriations, to decline to borrow the money to pay the bills, or vote the taxes for it, either. I certainly hope our leadership will afford us the opportunity to vote on the measure. It is urgent. I know it has only been on the calendar since Friday, but this is something we usually take up on rather short notice, as the majority leader knows.

Mr. MANSFIELD. May I say in response. I understand if this is not passed by the end of the fiscal year, the Treasury will not be totally bankrupt. It will still have $2 or $3 billion with which to remain flexible. But I am aware of the fact that if something is not done before the first of the year, the debt ceiling will automatically go from somewhere around $381 billion or $382 billion down to $360 billion, and I would not like to see that happen.

Therefore, if the situation is not worked out, the continuing resolution approach for 1 month is suggested.

I should say that the leadership would be more than willing to take up the legislation having to do with the debt ceiling if a reasonable time could be arrived at as to how long the debate would continue. There should be sufficient latitude to assure that the pending business, the postal reform bill, were disposed of as well. So the leadership is open to reason, if something reasonable can be worked out.

Mr. LONG. Mr. President, may I say to my leader that we have done our job; we have put the bill out there on the calendar. So far as I am concerned, that is a matter for the leadership now.

Mr. MANSFIELD. That is correct.

Mr. LONG. As far as I am concerned, I merely want to point out that it does create very severe problems for the Government, including the fact that it cannot sell the bonds which it has already advertised as of today. It will have to send out 20,000 wires to tell those bidding on the Government bonds that the sale is off. That will create something of a panic in some quarters, if they find that the Government cannot borrow the money to pay its obligations.

I would think that if the Senate acts in such a way that it wants to go through with the proposition that this Nation, the wealthiest nation on the face of the earth, has declared itself bankrupt by an act of Congress, it will be a very foolish thing to do. The Senate can try it. I do not think it will try a second time. Once will be enough, to find out that the people will not tolerate it. That is what will happen, in my judgment, unless the proposed legislation to extend the present ceiling, which expires tomorrow night, passes before Tuesday night.

I have tried to educate Senators about the matter. I was instructed by the Committee on Finance to stress to the leaders the urgency of this matter being called up forthwith, and I have done so to the best of my ability. I would urge other members of the committee to make clear to our leadership the problem as they see it. I think we should act on this matter before we finish the business tomorrow night. I will leave that matter to the discretion of the majority leader. I am sure he will do about this matter what he thinks is the responsible thing.

Mr. MANSFIELD. May I suggest that the distinguished chairman of the committee, the Senator from Louisiana (Mr. LONG) and the distinguished ranking minority member of the committee, the Senator from Delaware (Mr. WILLIAMS), get together to see if it would be possible to work out a reasonable time limitation. On that basis, the joint leadership would be more than willing to do what can be done, after the postal reform bill is out of the way, hopefully, or even before.

Then, of course, it is anticipated that the Senate will attempt to dispose of the two Moss bills, before it adjourns for Independence Day; S. 26 is a bill to revise the boundaries of the Canyonlands National Park in the State of Utah, and S. 27 would establish the Glen Canyon National Recreation Area in the States of Arizona and Utah.

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

Mr. MANSFIELD. I yield.

Mr. SCOTT. I would also like to reserve an opportunity to offer a noncontroversial bill which I believe has passed the House, which would extend the sympathy of the Senate to the people of Peru; and as soon as an opportunity presents, I would like to put the Senators on notice. I do not see how it could be controversial, but I would like to offer it at some point.

With regard to the debt limit, unless there is objection on this side of the aisle, I would like to see it disposed of as soon as possible—perhaps tomorrow.

Mr. MANSFIELD. I appreciate the situation of the distinguished minority leader so far as the Peru resolution is concerned. When it comes over, why do we not consider calling it up immediately and passing it? I agree that no Member of the Senate would be against such a resolution.

ORDERS FOR RECOGNITION OF SENATOR HOLLINGS AND SENATOR SPONG

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order calling for the distinguished Senator from Oregon to speak tomorrow be vacated until a later date.

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

Mr. MANSFIELD. I ask unanimous consent that, in its place, the order requesting 30 minutes for Senator HOLLINGS be substituted, to permit the junior Senator from South Carolina to speak immediately following the approval of the Journal tomorrow.

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

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the Senator from South Carolina, the Senator from Virginia (Mr. SPONG) be recognized for not to exceed 20 minutes.

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

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO ON WEDNESDAY AND THURSDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Ohio (Mr. YOUNG) be recognized for 20 minutes immediately following the approval of the Journal on Wednesday and again on Thursday.

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

THE DEBT LIMIT

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

Mr. MANSFIELD. I yield.

Mr. ANDERSON. Is this not a question of amounts of money?

Mr. MANSFIELD. That is true. I am prepared to bring it up, if some reasonable time arrangement can be worked out; but I am not prepared to turn aside the pending legislation and get into a brouhaha that might take a couple of days.

Mr. ANDERSON. I understand that the park bills will be discussed.

Mr. MANSFIELD. They will be taken up in due course; but postal reform is the pending measure. If the distinguished chairman of the committee and the distinguished ranking member can get together, the leadership will not be unreasonable with respect to the debt limit.

The PRESIDING OFFICER. The Chair inquires whether the Senator from Montana intends to ask for the yeas and nays on the Jackson amendment.

Mr. MANSFIELD. I think enough Members will be in the Chamber at that time to get the yeas and nays.

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

Mr. MANSFIELD. I yield.

Mr. LONG. I would hope that we could have an agreement. I would be willing to agree now to limited debate on the debt ceiling to 2 hours on each amendment and 2 hours on the bill, and hope we could shorten it down from that point. I know that the Senator from Delaware (Mr. WILLIAMS) wants to offer a very important amendment to the bill. I would hope that we could agree to it now.

Mr. WILLIAMS of Delaware. Mr. President, so far as I am concerned, any amendment I offer can be subject to a

limitation. I do not know how other Senators who have amendments may feel.

The reason we are at this dilemma, just 48 hours or 24 hours before the debt ceiling expires, when it goes back to $365 billion, is that the Treasury Department and the chairman of the committee have held the bill until the last minute so they can get it considered as another emergency. In that manner they hope to be able to defeat any amendments dealing with expenditure controls.

I took it up with the Secretary of the Treasury in February, and I told him that just once before I left I hoped they would come down with a request for whatever change they needed in the debt ceiling before the end of the fiscal year, so that we would not have to act in an emergency situation. I mentioned it again in March; I mentioned it in April. We finally got their recommendation down in the latter part of May.

The House acted promptly and sent the bill to the Senate the 1st of June. Our committee scheduled hearings on the 9th of June, and they were postponed until the third week of June at the request of the Secretary of the Treasury, who had speeches to make which they felt were more important than acting on this bill.

I did get the chairman of the committee to move it forward and cancel some of the meetings we had scheduled with HEW the week of the 15th so that the Treasury Department could testify. We held the hearings and were ready to report the bill around the middle of June. An amendment to control expenditures, which I had offered and which I felt was equally important so far as the debt ceiling was concerned, was adopted by the committee by a vote of 9 to 8. There were those who did not want to report the bill until they could get that vote reversed, and the bill was held up in the committee until Friday, June 26, and here we are.

I think the RECORD should be clear that it is no accident that we are here at this late date. We are here, right on the verge of June 30, because it was planned that way. I think that those who have tried to plan it that way have done a good job of getting themselves and our country into a rather delicate financial position.

I agree with the majority leader that we could extend this for 30 days and then have time to act. I do think it is time that we face up to the situation of whether we are going to control spending. Does the Congress or the administration really want to control expenditures or just talk about it? From the standpoint of inflation we should have faced up to this question. I know of no good reason why we did not have this bill before us 3 weeks ago, and then the Senate could have considered these amendments in an orderly manner.

The Senator from Nebraska and perhaps others have amendments they wish to offer, and they are deserving of our cosideration.

I talked with the majority leader 2 or 3 weeks ago, and he assured us that if we got the bill reported he would schedule it so that we would have the bill acted on 2 or 3 weeks ago. It is not the fault of the majority leader that we are in this dilemma, and I am willing to vote this afternoon. I was willing to vote last Friday, and I have been willing to vote for the last 3 months, but the bill was deliberately held in the committee. I hope we will be voting before midnight tomorrow night, but that seems to be par for the course. To those who like to live in a state of emergency I would say they have one here by their own creation.

Mr. LONG. Mr. President, permit me to say that, so far as I am concerned, there is no politics in this matter one way or the other. It is just a matter of doing our duty, which is what I am sure every Senator will seek to do.

I read in the press some weeks ago a statement by the majority leader that those who were debating the Church-Cooper amendment made it probable that the debt limit may be held up until that matter had been disposed of. I did not discuss it with the majority leader but as chairman of the committee I was on notice that if we reported it out the next day it would not likely be called up until the vote on the Cooper-Church amendment. That being the case, this Senator saw no particular reason to rush to have it sitting there on the Calendar, when it would not be called up before Tuesday. But now, Tuesday becomes a different matter and starting on Tuesday the matter does become urgent. We reported the bill Friday. The Senator from Delaware (Mr. WILLIAMS) states it as he saw it, but I saw it differently. The Williams amendment could well tie up this matter in conference between the Senate and House, with the House Appropriations Committee declining to yield jurisdiction to the House Ways and Means Committee. Then whatever might happen to it, if agreed to, perhaps would wind up in an impasse between the Senate and the House over the conference report. It seemed to me that we should leave out that amendment to the bill because it is controversial and it could prevent the debt limit from being voted on any time soon.

When we voted, with absentees on the committee, at the time, we thought we should take a little longer, until the absentees could be present. We did that. We voted to report the bill on Friday. The bill could have been taken up on Saturday. There is nothing new about the bill. It is coming in here late now. That seems to be par for the course as the Senator just suggested himself. In any event, the bill is there and if we are responsible, we will pass it before midnight tomorrow.

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

Mr. LONG. I yield.

Mr. PERCY. As I understand it, the minority leader has indicated the reason for a delay in the vote tomorrow, the ranking minority member of the Finance Committee indicates that he would be perfectly willing—and I would consider it a personal favor if we could vote at once because I will be leaving for NATO tomorrow evening and I would certainly like to vote on it. It is a very important matter. I would hate to see it left to the last minute. However, the NATO parliamentarians meeting is going on now and other Members of the Senate will be going and if we could vote tomorrow I would certainly appreciate it.

Mr. LONG. So far as I am concerned, I am willing to vote on it, under any reasonable time limit. I am in agreement to an hour on every amendment. I am in agreement as to 2 hours on the bill, or to any other reasonable limitation that the Senate is willing to agree to because I think responsibility on the part of the Senate requires it. If we do not pass this bill by midnight tomorrow, then beginning on Wednesday the Government will be powerless to sell its E bonds. That would be irresponsible action for the Senate to take, to impose that upon the country.

DD–963 DESTROYER COMPETITION BIDS

Mrs. SMITH of Maine. Mr. President, as senior U.S. Senator from Maine and ranking Republican on the Senate Armed Services Committee and a member of the Senate Appropriations Committee, I followed the DD–963 destroyer competition, resolved with a 30-ship award in Litton Industries, Inc.'s favor last week, very closely. My continuing interest in the procurement is twofold:

First, to assure that the Government's interest is fully protected and that massive problems encountered on numerous large defense contracts in the past are not repeated.

Second, to assure that Bath Iron Works Corp., located in the State of Maine and loser in the competition, received fair treatment.

Prior to the announcement of the winning bidder, for some time I expressed my deep concern over the status of the program in a series of letters to the Secretary of Defense and Secretary of the Navy.

In my opinion, the answers received to the questions raised did not satisfactorily resolve the points at issue. Since the decisions made prior to the DD–963 contract award have such far-reaching consequences, I am today requesting that any activity on the DD–963 contract which requires the obligation of any Government funds be delayed pending the outcome of a thorough investigation by the General Accounting Office. I want the circumstances surrounding the DD–963 award investigated with particular reference to:

First. The possibility that the contract pricing re-set provision, introduced as a last minute change after three rounds of prices had already been submitted and audited, may have permitted a contractor to take an irregular advantage of the regulations to lower estimated costs with the full knowledge that costs can be negotiated upward several years after the award at a small sacrifice in profit—but at the expense of another substantial overrun to the Government.

In my view, true costs are not altered simply as a result of a contractual change which reduces the contractor's risk. Failure to recognize costs at the outset only means they must be identified later on. Decisions based on faulty cost estimates have in the past seriously impaired the

credibility of the Department of Defense and can be grossly unfair to a competitor who bids using realistic costs.

Second. The rationale for awarding a $2 billion shipbuilding contract to a company already carrying the largest new ship construction backlog in the industry—a backlog already so diverse as to test management capability even without the addition of 30 new highly complicated destroyers. It is to be remembered that the Navy has already awarded the contract for nine LHA ships to this same shipyard. And prior to that the Navy announced this shipyard as winner of the as yet unfunded FDL program.

These contracts are in addition to submarine and merchant contracts presently under construction. The problems connected with handling a complex and diverse shipbuilding backlog are well known. And the Pascagoula facility is a new and untested facility with no experience in handling a huge and highly diversified backlog.

Third. The dangers from the standpoint of the U.S. Government of contracting a large portion of our new shipbuilding programs—including $2 billion plus total package procurements—under one corporate entity in the very face of the problems engendered by doing this in the Lockheed Aircraft Corp. case. A failure on the part of this shipyard's management in just one of these programs could have a severe impact upon our Navy's posture for the 1970's.

Fourth. Use of the multiyear contract developed by the McNamara regime, which requires that Congress pay tremendous cancellation charges should it decide in future years not to make appropriations for continuance of the program. This concept transfers control, for all practical purposes, out of the hands of Congress and virtually precludes an effective congressional review on an annual basis.

Fifth. The dangerous impact on future competition leading in the long run to higher procurement cost in destroyer construction of an award of the Navy's entire destroyer program for the 1970's to a shipbuilding company which has already constructed a new shipyard on the basis of prior total package awards enabling it to drive out the proven destroyer-building capability throughout the country with a resultant serious impact on our defense mobilization base which the Congress has tried to protect over the years.

Sixth. The leaks of vital information including prices and the effect of this industrial espionage on the DD–963 procurement. The very heart of the competitive process has been nullified in the DD–963 bidding by apparent flagrant discussions of proprietary data. This situation cannot be permitted to go unchallenged and be continued in the future.

It has been alleged to me that personnel of shipping lines, for whom Litton has built, or is building, merchant ships, told a Member of the House of Representatives at a golf and country club that Litton had underbid Bath by $9 million a ship or $270 million on the 30-ship contract—and that this disclosure was made more than 2 months before the award of the contract.

If this is true, there has been a criminal violation of 18 United States Code 1905 by one or more persons in illegal disclosures prior to contract award.

The above issues cite specific areas demanding immediate attention and a thorough review before work on the DD–963 program is initiated. There are other issues at stake as noted in my correspondence which are undoubtedly of equal significance to these I have outlined above.

During the past several years, attention of the American taxpayers and Congress has been focused clearly on the massive problems created by gross errors in judgment in the award of large defense contracts. As a responsible Senator, I for one can no longer tolerate continuation of practices which recent history has completely discredited. In the DD–963 award decision, we can see the evidence in advance of a situation developing on the largest shipbuilding contract ever, which will haunt this administration if not corrected. It is for this reason that I am initiating the request for appropriate in-depth investigation.

I ask unanimous consent to have printed in the RECORD certain past correspondence I have had on this matter.

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

U.S. SENATE,
Washington, D.C., April 24, 1970.

The PRESIDENT,
The White House,
Washington, D.C.
The SECRETARY OF DEFENSE,
Department of Defense,
Washington, D.C.
The SECRETARY OF THE NAVY,
Department of the Navy,
Washington, D.C.

MY DEAR MR. PRESIDENT:
MY DEAR MR. SECRETARY:

MY DEAR MR. SECRETARY: As the ranking Republican member of the Senate Armed Services Committee, I have been deeply concerned about the problems which we have inherited from the Johnson Administration on major defense contracts, particularly those related to over concentration and cost growth. I am certain you share my feelings that we must avoid recurrences of these problems in this Administration.

However, despite my deep concern about these matters, I have supported the continuation of programs from the prior Administration which I deemed to be vital to our National Defense, including the C–5A, the Nuclear Aircraft Carriers, and others. It is my understanding that the Department of Defense is approaching the immediate award of a contract for the DD963 Class Destroyers on a total package multi-year basis and that there may be a situation developing in connection with this award leading to the very same problems which we have inherited on these earlier programs.

For this reason, I feel it important to assure myself that careful consideration is being given to a number of points bearing upon the decision to make this award.

First, I was surprised to be informed via Congressional sources of an apparent $270,000,000 price difference between the two competitors as a result of the fourth round of proposals, even though their prices were substantially similar in the third round and no technical changes affecting costs had been made by the Navy subsequent to that third round. I enclose a detailed document outlining this apparent discrepancy as I understand it. I must ask that a full analysis be made to assure price credibility if the award is made to the apparent low-offeror so that we are not building a substantial overrun on this program.

Second, as I understand it, the award of 30 ships in the DD963 contract to the present apparent low-offeror will add approximately $1,800,000,000 to their existing backlog of about $1,700,000,000, creating a total backlog of approximately $3,500,000,000, most of which is scheduled to be constructed in an as-yet untested and incomplete facility.

This type of over-concentration carries with it significant risks which have been evidenced by well-publicized and recent difficulties of Lockheed Aircraft Corporation in connection with the C–5A and, specifically in the case of naval vessels, of General Dynamics Corporation and of the Lockheed Shipbuilding and Construction Company. After these experiences, it is inconceivable to me that we would create a backlog larger than our annual shipbuilding budget in a single facility.

Third, consideration should be given to the highly probable effect of the award of all these ships to the apparent low bidder on competition for defense business and upon the defense industrial base generally. As you know, throughout the McNamara era, large segments of industry believed that the Government was really interested in awarding its major defense contracts to the huge conglomerate enterprises. Award of all of the DD963 ships to Litton Industries would, in my view, serve to confirm that this policy is being carried over into this Administration. That view would undoubtedly discourage medium-size companies from attempting to compete with these industrial giants for other major defense contracts, thus restricting competition by eliminating some of our most highly qualified contractors, and thereby ultimately increasing the cost of our defense inventory.

Consideration should also be given to the problem of geographic concentration of naval and defense business that would result from an award to the apparent low-offeror in this instance.

Next, I am concerned and must ask that consideration be given in the fact that an award to Litton Industries will destroy one of the major reasons for using the total package multi-year procurement method in this destroyer program. As Secretary of the Navy Chafee and Chief of Naval Operations Admiral Moorer explained to the House Appropriations Subcommittee in February, a principal reason for applying this particular procurement method was to obtain new and modernized shipyard facilities. It appears to me that the award of 30 destroyers to Litton Industries, which is already scheduled to have a new shipbuilding facility, will make entirely unjustifiable the continuation of this risky type of procurement by the current administration.

Finally, consideration should be given to the effect of an award of 30 ships to Litton Industries upon Bath, the finest lead-destroyer shipbuilding yard in the country. During my years in Congress I have followed with great interest Bath's performance on Naval construction work and have heard constantly of the Navy's satisfaction with their ships. Moreover, I understand that they have consistently met schedules at competitive prices.

This company has been in this competition for over two years during which it has diluted its corporate earnings and management capability in order to remain competitive. It is my understanding that Bath and Hughes have met all of the Government's requirements relating to management and technical capability, production plans, facilities plans, and finances. If the Navy fails to award at least some of these ships to Bath-Hughes, in all probability the shipyard's de-

stroyer building capability will be seriously diminished. The loss of this valuable national asset would significantly reduce the Navy's ability to obtain first-line competition for destroyer construction.

Of course, if Bath does not obtain all or part of the DD963 contract, the negative effect will compound the already serious economic difficulties being experienced in the State of Maine.

To conclude, serious consideration must be given to all of these points before an award is made in the DD963 program. As a member of both the Senate Armed Services Committee and the Appropriations Committee, I have strongly supported needed defense programs.

Sincerely yours,

MARGARET CHASE SMITH.

DEPARTMENT OF THE NAVY,
OFFICE OF THE SECRETARY,
Washington, D.C., May 22, 1970.

MY DEAR SENATOR SMITH: You have requested that I provide you with a specific response to the points raised in your letter of April 24, 1970 in which you expressed a concern about the procurement plan for the DD963 Class Program now under final consideration by the Department of the Navy.

You have singled out one of the most important aspects—price credibility. Under the direction of the Source Selection Authority, Admiral I. J. Galantin, Chief of Naval Material, the fourth round of proposals—submitted by the two finalists—was subjected to a detailed evaluation of all relevant facts. Further, this procurement has had perhaps the most comprehensive evaluation ever performed in connection with a Navy shipbuilding program. Qualified personnel from 27 independent commands participated in this evaluation. Their efforts were supplemented by a special Contracting Advisory Group including representatives of the Defense Contracts Audit Agency who performed cost and price analysis on each finalist.

Together with my staff, I have personally scrutinized the procurement program, with special emphasis upon price credibility. When total labor hour estimates and material costs estimates of the two finalists are compared, there is substantial correlation. The differentials in labor rates, in overhead and in other factors seem to be the dominant influences upon the different total prices. These calculations, in combination with independent estimates performed by the Navy prior to the receipt of the "best and final" proposals, confirm the credibility and reasonableness of both price proposals.

Secondly, your understanding that the award of the 30 ships in the DD 963 contract to Litton would create a backlog in that facility larger than our annual shipbuilding budget is correct. This backlog, however, would include two multi-year contracts which together would span six consecutive program years. Each annual increment of these contracts will be subjected to review within the Department of Defense and by the Bureau of the Budget prior to incorporation into future Presidential Budgets. When and if it is so incorporated, it is then subject to Congressional review and action in the authorization and appropriation bills. In this way, continuing assurance will be obtained that each increment is in the national interest. The concentration of spending in a single facility will be much less than you might infer from the size and type of the contract. Only about one-third of the contract value goes to the prime contractor for shipbuilding per se. We estimate that 60% of the dollars involved in the contract will be distributed over approximately 45 states through the first, second, and third tier subcontracts.

Our decision to award the total DD 963 contract to a single builder does not constitute unmindful adherence to the policies of the prior administration. We presented this procurement concept in detail to the Congress last year in association with the FY 1970 Shipbuilding Program. We concluded at that time that the basic procurement plan for DD 963 was sound and, in addition, was the more economical method for purchasing these much needed ships. The wording of H.R. 17123 this year contains a provision which would require construction in the facilities of at least two United States shipbuilders. A similar provision was dropped by the Congress last year. The Department of Defense has submitted a reclama recommending that the amendment which requires two separate shipbuilders not be accepted for the reason that it would preclude the Navy from considering alternatives which might well prove to be more economical and efficient.

Regarding the modernization of United States shipbuilding facilities, as stated during the Senate Armed Services Committee Hearings on March 17, the encouragement of capital expenditure for building or improving new shipyards can be an advantage in the multi-year—multi-ship procurement approach. However, none of the competitors was advised that facility modernization would constitute a matter for competitive evaluation. Penalizing shipyards which have already modernized by denying contracts on the basis that further modernization of the industry would not be achieved might be a deterrent against modernization.

The reputation of Bath Iron Works as a destroyer shipbuilding yard is well recognized. The fact that they are one of the two finalists in the DD963 Class competition attests to their continuing excellence in this field. Failure to win the DD963 Class contract will be of consequential import to the unsuccessful competitor. Both Bath and Litton, while indicating their strong desire to win the DD963 Class contract, have also stated publicly that their corporate existence is not dependent upon the award.

To answer points raised in the document appended to your letter, the following is submitted:

"It is correct that the 20 March request for proposal made no technical or specification changes; however, it contained other changes which could affect contract prices.

"A request for a 'best and final' offer is a basic procedure and would have been made by Navy whether or not the request included changes in contract terms and conditions.

"With a modification of the share line (from 70/30 to 85/15) and adjustment in ceiling price (from 125% to 130% of target), the Contractors' cost risk was reduced.

"The Successive Target of the 20 March solicitation, or its reset feature, versus the previous Firm Target approach, enabled the finalists to eliminate contingencies which might have been structured in prior price offers."

I trust that this discussion will increase your confidence that the Navy has not treated this matter lightly and that we, like you, are doing our best to act in the national interest.

Best personal wishes.

Sincerely yours,

JOHN H. CHAFEE,
Secretary of the Navy.

BATH IRON WORKS,
May 28, 1970.

The SECRETARY OF THE NAVY,
Department of the Navy,
Washington, D.C.

MY DEAR MR. SECRETARY: With reference to your letter of May 20, very frankly I am extremely concerned by your failure to answer a number of key questions raised by my earlier letter concerning the DD963 Program.

Because decisive meetings on the Program may be held within hours or days, I will focus on the principal and overriding point—should an award of this magnitude be based on prices developed by reason of business tactics rather than by firm estimates of anticipated costs. I am certain neither of us believes *true costs* in the DD963 Program changed after the third proposal round simply because a new type of contract was introduced. As you so clearly stated, "The March 20 request for proposal made no technical or specification changes."

And yet, a clear implication of the statement in your letter on page 3 that "the Successive Target of the 20 March solicitations, or its re-set feature . . . enabled the finalists to eliminate contingencies which may have been structured in prior price offers," is that the Navy virtually invited a bidder to make unjustifiable reductions to his estimates with the assurance that he would recover at the "re-set point."

If this implication is correct, I do not see how you can "confirm the credibility and reasonableness" of a proposal arrived at by such means. Indeed, it would seem to me your statement could be read to imply that the Navy has invited a bidder so inclined to reduce his costs and create a built-in overrun. It has been my understanding that such practices were prohibited by Defense Department Regulations. If they are not so prohibited then the Regulations should be changed so that they are, and are thus subject to the same interpretation by all bidders.

Your letter makes no mention of any analysis of this major thrust of my letter. Until this question is addressed and answered, I see no basis for proceeding further with this procurement.

May I have the favor of an immediate reply on this important point?

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., May 29, 1970.

The SECRETARY OF THE NAVY,
Department of the Navy,
Washington, D.C.

MY DEAR MR. SECRETARY: My letter of May 28, 1970 was in error—in that I referred to your letter of May 20 when the accurate date is May 22 and which letter was not delivered to my office until May 25.

Because of the shortness of time in analyzing the contents of your letter of May 22, 1970 from the standpoint of responsiveness to the questions and points that I raised in my letter of April 24, 1970, I confined my observations in my May 28 letter to the issue of should an award of the DD963 magnitude be based on prices developed by reason of business tactics rather than by firm estimates of anticipated costs.

Now that I have had more time to study and analyze your letter of May 22, I wish to express my opinion on additional points.

I do not believe that your letter of May 22 was responsive to my letter of April 24 on these points.

1. Your letter was not responsive to the entire question of potential cost overrun as it relates to the analysis of bidders cost estimates for the procurement.

2. In reference to over-concentration of work in a single facility, my letter was not really answered. The heart of the problem is created by putting so many dollars through a single facility.

As an example, note the problems associated with the procurement of the C5A aircraft from Lockheed Aircraft Corporation, though much of the work was subcontracted around the country. In this connection, also note Lockheed's serious slippage on the DE1052 Program with the DE1065, 1069 and 1073 having been scheduled for delivery last year and yet the keels have not even been laid on any of these three ships

scheduled for completion a year to nine months ago.

3. The fact that several large Naval and Merchant contracts are now scheduled for construction by Litton and Litton as yet has an uncompleted and untested shipyard was not addressed.

4. The impact on future destroyer competition of a single award of 20 ships to the *only* new shipyard was not answered.

5. My questions relating to the geographic distribution of the defense contracts was answered only through the explanation of subcontracting when it is perfectly clear that principal benefits run to the prime contractor.

6. The reference to your and the Chief of Naval Operations' statements before the House Armed Services Committee in *February* relating to the desirability of new facilities was answered by a reference to the testimony before the Senate Armed Service Committee in *March*. Thus, the answer referred to testimony given before the wrong committee at the wrong time. Thus, in the "right" testimony, your statement before the House Committee was that the *whole* reason for using this type of procurement was to obtain new facilities.

7. The economic impact on Maine of an award to Litton was not answered.

8. The question of a best and final offer was answered only to the extent that you said that the law permitted such a request and moreover that had always been the Navy's intent. The fact that Bath was never made aware that such a "best and final offer" would be requested was not explained.

9. The entire implication that substantial industrial espionage has taken place was not discussed and particularly the significance of leaked prices as it relates to the possibility that an auction was conducted.

10. Finally, and again, all of the answers in your letter of May 22 referred to target *prices* when, as shown by ASPR, procurement significance attaches to target *costs* rather than to price. Thus, the key is the validity of *cost* estimates.

Again I must stress that the several questions raised deal with basic principles far more important than the economically selfish interests of any one state or any region of our nation.

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

THE SECRETARY OF THE NAVY,
Washington, D.C., May 29, 1970.

Hon. MARGARET CHASE SMITH,
U.S. Senator,
Washington, D.C.

DEAR SENATOR SMITH: Thank you for your letter of May 28 concerning the prices in the DD 963 program. I do wish to stress that our award will not be based on pricing alone but will involve such factors as technical quality, management plans and military effectiveness as well as cost to the Government.

In your latest letter you questioned the soundness and credibility of the fourth and final proposals for the procurement of these ships. If we were free to provide you the detailed cost and pricing data in the proposals, I believe you would share our opinion as to their credibility. As you can appreciate, it is not appropriate for the Navy to divulge such information prior to the award to whichever company is selected. However, I will endeavor to explain further to you the credibility of the last proposals.

In competitive negotiated procurements, final negotiations cannot be held prior to agreement on contract terms and conditions and on applicable specifications. In this procurement all such final agreements were not reached until early March 1970. Only then could the Navy and the offerors hold effective negotiations on price and other terms of a fully defined contractual package and only following such negotiations was the Navy in a position to request "best and final" offers. Accordingly, submissions prior to the best and final offers must be viewed in that light.

The shift to a successive target type of contract and the modifications of the share line and ceiling reduced the risk of both offerors and in my opinion enabled each to make reductions in its cost estimates. For example, by a re-set time firm quotes can be obtained by the contractor from vendors, and design work and engineering test programs will be well along, thus greatly reducing uncertainties in these areas.

The offerors have furnished required cost and pricing data, duly certified by them, and price details were then subjected to the audit of the Defense Contract Audit Agency.

I want to assure you that the final proposals have been most carefully scrutinized. After award we will be glad to give you further information on them.

Sincerely yours,

JOHN H. CHAFEE.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., June 2, 1970.

Hon. MELVIN R. LAIRD,
The Secretary of Defense,
Department of Defense,
Washington, D.C.

MY DEAR MR. SECRETARY: Since my letter of April 24, 1970, concerning the DD963 destroyer procurement, the Secretary of the Navy and I have exchanged letters in connection with the credibility of the prices proposed by the two finalists. I find the position ultimately taken by Secretary Chafee in his latest letter to me on this subject on May 29, 1970 most disturbing.

Specifically, Secretary Chafee wrote:

"The shift to a successive target type of contract and the modifications of the share line and ceiling reduced the risk of both offerors and in my opinion enabled each to make reductions in its cost estimates. For example, by re-set time firm quotes can be obtained by the contractor from vendors, and design work and engineering test programs will be well along, thus greatly reducing uncertainties in these areas."

As I had previously written to Secretary Chafee I simply cannot believe that the possibility of re-setting the target cost in the 39th month after contract award is an acceptable reason for cutting valid estimates of the costs of contract performance, thereby building in an overrun situation at the very inception of performance. Indeed, it is my understanding that your procurement regulations prohibit such a "buy-in" on any basis, including the type of contract employed.

I do not see how I can defend in the Senate as credible a cost estimate arrived at by huge reductions based upon the Government's willingness to accept an overrun at the 39th month. It simply cannot be the intent of your procurement regulations that reductions in cost estimates of prospective subcontracts, design work and engineering test programs, as outlined by Secretary Chafee, can be held to be credible on such a basis. As I stated to Secretary Chafee it is my understanding that such practices were prohibited. For this reason I am sincerely worried about the irregularity and perhaps the illegality of the Navy's evaluation of the cost estimates in this procurement.

Inasmuch as Secretary Chafee has taken the position that, in his opinion, there are no problems with this approach it is now necessary that I appeal to you and your staff to make an immediate study of this situation.

I request your personal assurance that this Administration is not falling prey to the same type of procurement problems involving massive overruns that we have inherited from the prior Administration. For this reason I would like to have the results of your review as soon as possible and in any event before the award of this contract.

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

THE SECRETARY OF DEFENSE,
Washington, D.C., June 5, 1970.

Hon. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: I am looking into the question contained in your letter of June 2, 1970 with respect to the Navy DD963 destroyer procurement. Several of my key assistants are in the process of reviewing the proposed contract award with Navy officials. I have asked them to inquire into the issue you presented in your letter and I will be happy to provide you with a response as soon as this review is completed.

Sincerely,

MEL.

THE SECRETARY OF THE NAVY,
Washington, D.C., June 5, 1970.

Hon. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: I am sorry to learn from your letter of May 29 that you feel my May 22 letter was unresponsive to various points raised in your April 24, 1970 letter. Within the constraints inherent in discussion of a proposed award not to disclose detailed cost and pricing data submitted by either of the competitors or otherwise prejudice the position of either of them, it is my desire to answer your questions to the best of my ability.

As to your first point on the matter of potential overrun, I assure you that the Navy's analysis of the "best and final offers" of each competitor showed them to be of equal credibility. The Navy considers that the likelihood of overrun (or underrun) is the same in the case of both competitors.

Your second point is that "the heart of the problem is created by putting so many dollars through a single facility." By dealing with a single prime contractor we best meet the objectives of the Navy and the Defense Department to procure the required number of destroyers which satisfy operational requirements at minimum cost to the Government. It was to obtain these advantages for the Government, including ship standardization and the cost benefits of series production techniques, that led to the initiation on this basis in 1967 of this DD 963 Class procurement. Whichever yard gets the award, there will be a large number of dollars going through a single facility.

In your third point you indicated concern that Litton has an uncompleted and untested yard. That yard is across the river from its existing facilities, has been under construction for two years with completion set for December 1970, and has already commenced production in this new facility of an eight ship program for a commercial operator. Bath contemplates vastly expanding its present yard if the successful bidder but has not commenced any work on the new facilities. It would seem therefore that if Litton's facilities are labelled as untested, the proposed expansion adjacent to Bath's existing yard is likewise open to similar questioning.

Your fourth point presumes an award to Litton with the assumed consequence of giving Litton a built-in competitive advantage in the procurement of any future destroyers. It implies that Bath would not be available for future destroyer work. As noted in my earlier letter to you, responsible Bath officials have stated that their ability to continue their shipbuilding business is not dependent upon award of the DD 963 contract. Further, as reported in the Baltimore Sun for Sunday, May 24, 1970, Bath officials were quoted as saying that they project a new

$97.3 million shipyard in connection with the Maritime Administration's 10-year program to build 300 new American-flag cargo ships. Such a facility would also place them in a favorable competitive position for any additional destroyer types which might be required in the future.

Your fifth point concerns the geographic distribution of defense contracts. While benefits unquestionably run to the prime contractor, I believe it is important to recognize the wide distribution of the subcontracts. For example, if the award were made to Bath, while the ships would be built at Bath, the entire combat systems portion of the destroyer would be subcontracted to Hughes Aircraft Company. All ship design work, much of the program management functions, and most of the subcontract purchasing function would, for the first two and a half to three years of the program, be conducted at such diverse locations as New York City and Fullerton, California.

I regret the confusion in the testimony to which you refer in your sixth point.

We recognize your concern, expressed in the seventh point and I can assure you that I too have been mindful of this.

Regarding your eighth point, the Armed Services Procurement Regulation requirement that all offerors shall be informed of the specified date of the closing negotiations is well known. Both Bath and Litton were informed on March 20, 1970, that best and final offers were to be submitted, constituting a closing of the negotiations. The Bath-Hughes team was in continuous daily negotiations with the Navy from 2 March through 20 March 1970. The team included able counsel completely familiar with the many decisions of the Comptroller General requiring best and final offers to close negotiations.

Relative to any industrial espionage or leakage referred to in your ninth point, I wish to note that the Navy practices precautions to safeguard the cost and pricing submitted by both competitors.

As to your final point, we agree that the key is the validity of the cost estimates. In addition to the information given you in my prior letters, I wish to note that both Bath and Litton made significant reductions in the various elements of the cost estimates and profit on which their best and final offers were made. These reductions might also have been due to the fact that this was their final opportunity for submitting the best offer they wished to make. Whatever the motivation, the important fact is that these reductions were made, and the cost and pricing data supporting these final proposals were certified by the offerors to be accurate, current and complete as required by law and our regulations. These estimates were compared with each other and with our own estimates.

In closing I wish to assure you that I share your views as to importance of this contract and do appreciate the deep concern you have so ably expressed in your several letters.

Sincerely yours,

JOHN H. CHAFEE.

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C. June 18, 1970.

Hon. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR SMITH: In your letter of June 2, 1970, you requested that the proposed Navy DD 963 contract be reviewed in the Office of the Secretary of Defense prior to award.

Such a review has been made. I established the Defense Systems Acquisition Review Council for the specific purpose of subjecting major weapons systems acquisition to the most careful scrutiny. In the process of this Council's review of the DD 963 program, detailed pricing information was reviewed as well as the type of contract employed.

Your concern with the credibility of the cost estimate of any contract awarded for the DD 963 Class ships is based upon your understanding that such cost estimate was "arrived at by huge reductions based upon the Government's willingness to accept an overrun at the 39th month". In the 39th month after contract award the contract target cost is to be re-set or a firm fixed price is to be established, as provided in the contract. (The ceiling price will not be changed.) This provision was included in the March 20, 1970 request for best and final offers sent to both finalists. It is not known how much of the reductions in the "best and final" contract estimated cost proposed by each of the finalists was attributable to the shift from contract target cost and how much was due to "sharpening the pencil". The fact of the matter is that both finalists did make substantial reductions embracing all areas of cost, as well as profit. Further, these final cost estimates were carefully analyzed, compared with one another and with independent estimates performed by the Navy prior to the receipt of the "best and final" offer, and their credibility and reasonableness confirmed.

I cannot agree with the implication that the Government is willing to accept an overrun at the 39th month or at any other time during the performance of any resulting DD 963 Class contract. Any such implication must be based on a misunderstanding of how "successive target" incentive contracts work. Under any fixed price incentive contract there may be cost growth up to the contract ceiling price, which is the limit of the Government's exposure. In the case of the DD 963 Class contract, the ceiling price is 130% of the initial target cost. During the first 39 months of performance of the DD 963 Class contract, the Contractor is motivated to control his costs because, by the incentive provision, the contractor is entitled to increase his target profit at the re-set point by having reduced his costs. Based on record costs, and other information, the parties then negotiate either a firm fixed price or a new target cost and formula for establishing the final profit. *In no event can the re-set target cost, plus profit, exceed the contract ceiling price.*

In view of the foregoing, I believe the Navy has handled this important contract in accordance with established procurement procedures.

Sincerely,

DAVID RASKOB.

Mrs. SMITH of Maine. On April 3, 1969, three proposals were submitted for DD–963 destroyers—by Litton, Bath, and General Dynamics, Quincy. It is understood that Bath had the highest price; Litton the next highest, and that General Dynamics was low.

The General Dynamics design did not meet Navy requirements. For this and other reasons the Navy announced that it was dropping General Dynamics from the competition on September 9, 1969.

In order to get the Bath and Litton designs on a relatively comparable basis and to bring the prices down after the original April 1969 submittal, the Navy subsequently issued two "Requests for Proposal Supplement"—RFPS—one in September 1969 and one in January 1970. Thus, prior to the second and third price submittals numerous Navy technical directions and specification changes with important cost impact were required of Bath and Litton.

As a result of these changes and directions it is understood that at the time of the third proposal submittal in February 1970, both the Bath ship and the Litton ship met the Navy requirements and the prices proposed were apparently substantially the same.

Each proposal, including the third, was subjected to Government audit of technical and cost considerations.

Then, on March 20, 1970, the Navy asked Bath and Litton to submit a fourth proposal. No technical or specification requirements were changed by this Navy request, that is, there were no changes which would have an impact on cost.

Instead the Navy requested that the fourth proposal be on the basis of a new type of contract, a "Fixed Price Incentive Successive Targets" contract. The key difference between the Navy's newly proposed type of contract and the Fixed Price Incentive contract on which the prior proposal had been based is the requirement to reset at a firm fixed price or at a new target price in the 39th month after the contract award. The Navy also changed the share line from a 70/30 ratio to 85/15 ratio and the contract ceiling from 125 percent of target cost to 130 percent of target cost.

In accordance with the applicable Department of Defense regulations governing this type of contract, the changes made by the Navy should result in a reduction in the proposed profit based upon the reduction in risk on the contractor. Thus, under this new type of contract, target cost should not change except for the results of the discussions between the Government and the two contractors concerning the results of the Government's technical and cost audits of the third proposal.

However, the result of this fourth round of proposal appears to be a 13.5 percent—$270 million—price difference between Bath and Litton.

Since, first, both contractors presumably took account of the Government's recommendations in connection with its audit of their earlier proposals and second, both ships met Navy requirements as of February 1970 when the third proposal round took place and third, the Navy made no technical changes after the third proposal round, this price differential appears to be explicable on only one basis:

Litton took advantage of the change in contract type providing the opportunity to negotiate a new target price 39 months after contract award to make an unreasonable and drastic reduction in price.

It should be borne in mind that under the Navy's new 85/15 share line the contractor's profit is reduced by only 15 percent of any overrun negotiated at the reset point above the original target cost. Thus, a new target price at the reset point which reflects an overrun to the Government of hundreds of millions of dollars would result in only a small reduction in the contractor's profit.

THE FORTHCOMING PRESIDENT'S REPORT ON THE CAMBODIAN OPERATION

Mr. FULBRIGHT. Mr. President, the American people this week will be subjected to the most concentrated electronic/print media barrages of preplanned, custom-tailored administration propaganda on the success of Cambodia that it is possible to create with all the resources of Madison Avenue.

As I understand it, the White House tomorrow will release President Nixon's report on the Cambodian operation. It will coincide with what is expected to be the final Senate approval of the Cooper-Church amendment. The timing of the Senate vote—which is considered critical of the President's Cambodian invasion—and his own announcement of the success of Cambodia are not unrelated. The President's supporters agreed to halt their filibuster so as to permit a vote that could have taken place long ago, at least 4 weeks ago, if the White House had not encouraged delay over the past 7 weeks.

The purpose of the White House and its Senate supporters is simple and has had little or nothing to do with responsible legislating. They just did not want the vote to appear to be the action that forced the President to take the troops out of Cambodia.

I would note parenthetically that if Cambodia should fall to the Communist forces in the future, those same administration supporters will be the first to accuse Senate opponents of the war of "having lost Cambodia."

The President's Tuesday report—which will have wide television and newspaper coverage—will be followed Wednesday evening with a 1-hour live network television interview with the President, which is expected to center on the Indochina war, during prime evening time. Despite the fact that three distinguished network newsmen apparently will be free to ask any questions, the atmosphere of such an interview program makes it certain that little opportunity will be available to develop the negative aspects of the President's policies.

The President's remarks during the interview will, no doubt, dominate the newspapers the following day.

On that day, Thursday, to keep the propaganda flowing, the White House is scheduled to release the transcript of a 4-hour "background briefing" held last Friday by the President and his advisors for a selected group of 38 editors and broadcasters. It should come as no surprise that the President told that group that his Cambodian invasion was an unparalleled success; would hasten Vietnamization and permit continued withdrawal of American troops.

By making it a "background briefing" and then releasing it almost a week later the White House apparently expects to get additional press and radio/television coverage for an undeviating success theme that has been played steadily since the Cambodian invasion first began.

From the first announcement of the invasion on April 30, the President has refused to acknowledge the readily apparent reaction in Cambodia itself that would—and has followed. I speak, of course, of the widening of destructive war activity to another small, defenseless country where the enemy has been driven into the interior to be followed by our bombers which apparently now are free to attack wherever they believe the "enemy" to be.

To date the media—particularly those men in Cambodia and South Vietnam—has been agressive in presenting the facts that on their face contrast sharply with the views portrayed from the White House. However, the media, both electronic and print, faces a great challenge in the coming days. By tradition, they will necessarily film and report what the President and his advisors say—whether directly or in the "backgrounders" that protect their identity and thus encourage irresponsibility. How they characterize those "White House reports, how they show what is not said, how they present the critical view of the Cambodian "success" will in large part determine the way the American people understand and judge the President's policies.

In a perceptive article, published Sunday in the Washington Post, Dean Ernest R. May and Prof. Thomas C. Shelling of Harvard, pose a series of questions that hopefully will be answered during this week. If the President does not volunteer, hopefully the media will press for some replies. I ask unanimous consent that this article be printed in the RECORD.

We, in opposition to the President's Cambodian adventure, will also have an opportunity to see whether Vice President AGNEW's attacks against television and press critics will pay off in a stifling of the opposition views at this most important time.

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

THE NIXON REPORT ON CAMBODIA

(By Ernest R. May and Thomas C. Schelling)

Just before Cambodia, President Nixon toted up prospective gains and losses on a yellow pad. Soon after June 30, he must add up results thus far and report to the public.

In earlier statements, he set forth at least four objectives: reducing American casualties, speeding troop withdrawals, influencing actions by North Vietnam, and protecting American prestige. When hearing his statement, we should bear in mind what he has said about these objectives.

First, the President said on April 30 and reiterated on May 8 that the operation "will reduce American casualties." Over 300 Americans have died in Cambodia. Undoubtedly, the President recognized that the offensive would entail higher casualties in the short run. But he has not explained how American lives have been saved over the long run. The Cambodian sanctuaries menaced the IV and III Corps Areas of South Vietnam. The former is already Vietnamized; the latter is to be Vietnamized by September. Did the President expect to save American lives because his Vietnamization plans call for sending U.S. troops back into combat whenever the South Vietnamese are hard pressed?

Second, the President pointed to a map on April 30 and said: "North Vietnam already occupies this part of Laos. If North Vietnam also occupied this whole band in Cambodia or the entire country, it would mean that South Vietnam was completely outflanked and the forces of Americans in this area as well as the South Vietnamese would be in an untenable military position." The President should explain how the Cambodian operation has reduced this danger. News reporters tell of the Cambodians' inability to check the North Vietnamese. If U.S troops, helicopters, and air support are withdrawn from Cambodia, what is to prevent the North Vietnamese from re-establishing the threat? Will the situation be more tenable in May, 1971, when the United States has 150,000 fewer troops in Vietnam? Are there grounds for confidence that the South Vietnamese can withstand next year a threat of "outflanking" that the President judged them unable to withstand this year?

Third, the President has predicted that the Cambodian operation will influence decisions by Hanoi. When announcing on April 20 his schedule for withdrawing 150,000 troops, he took occasion to "remind the leaders of North Vietnam that . . . they will be taking grave risks should they attempt to use the occasion to jeopardize the security of our remaining forces in Vietnam by increased military action in Vietnam, in Cambodia or in Laos." When ordering action in Cambodia, he cited this warning, and on May 8, he observed that President Johnson had erred in escalating the war "step by step." Referring to the move into Cambodia, Mr. Nixon said, "This action is a decisive move, and this action also puts the enemy on warning that if it escalates while we are trying to de-escalate, we will move decisively and not step by step."

There must have been earlier signals to Hanoi. The President surely did not believe that Hanoi could reach a decision and have that decision carried out by field commanders within 10 days. But by June 30, 61 days will have passed since the President demonstrated that his words were not empty and that he was prepared to exercise his full powers as Commander-in-Chief even at the risk of a public storm at home. Is there evidence that the North Vietnamese have scaled down their operations in South Vietnam, Laos, or Cambodia. News reports suggest the contrary.

The President said earlier, "It is Hanoi, and Hanoi alone, that stands today blocking the path to a just peace for all the people of Southeast Asia." Has he had indication since April 30 that the North Vietnamese are more willing to bargain?

If the answers to both questions are negative—that is, if the North Vietnamese have not limited their operations or shown signs of negotiating—what is the next step? The President warned on June 3: "If their answers to our withdrawal program, and to our offer to negotiate, is to increase their attacks in a way that jeopardizes the safety of our remaining forces in Vietnam, I shall, as my action five weeks ago demonstrated, take strong and effective measures to deal with that situation." What "strong and effective measures" are available? Does the President contemplate renewed bombing of North Vietnam? Could a bombing campaign be more effective, militarily and politically, than that of 1965–68? Or does the President contemplate stepped-up ground force action? What happens then to casualty rates and to withdrawal?

Fourth, Mr. Nixon asserted that the action in Cambodia would work to restore American prestige and credibility elsewhere in the world. He asked on June 3: "If an American President had failed to meet this threat to 400,000 American men in Vietnam, would those nations and peoples who rely on America's power and treaty commitments for their security—in Latin America, Europe, the Middle East or other parts of Asia—retain any confidence in the United States?" The question was of course rhetorical, and White House officials conceded that many

capitals reacted initially with alarm and misgiving. The President should indicate whether these attitudes have since changed and whether he sees in Europe, the Middle East, and Japan increased faith in the restraint, wisdom, and reliability of his administration.

There is a fifth criterion for judging the Cambodian operation. Admiral Smedberg quoted President Nixon as saying a few days before April 30, "I am not going to let Cambodia go down the drain." His remark on April 30 about the military untenability of South Vietnam should the Communists control "this whole band in Cambodia or the entire country" was consistent with such a position. On the other hand, he and Secretary Rogers have declared that the United States has no commitment to Cambodia. The President's forthcoming statement should clarify his stand.

If Cambodia now falls, will that event not arouse the same concern that the prospect of it apparently aroused in late April? Will not the President's credibility be at stake once again?

These are not all the questions that we hope to hear addressed. A crucial one is whether our allies, especially South Vietnam and Thailand, have incurred new commitments or adopted military goals that the United States is committed, directly or indirectly, to support. Is it American strategy that Allied troops—no Americans among them—remain deployed indefinitely in Cambodia, or is this an independent action of the South Vietnamese government? And how far does our commitment extend if South Vietnam elects to defend Phnom Penh or other parts of Cambodia while our forces are waiting in South Vietnam to be relieved so they can be withdrawn? The President cannot be expected to bare his differences with South Vietnam in a public address; but as he has repeatedly used his statements to the American public to communicate the gravest warnings to Hanoi, he may wisely go on record at home to clarify his policy for Allied countries.

The President could also shed light on "Vietnamization." Does it mean that South Vietnamese forces must be able in any circumstances to defeat the Vietcong and North Vietnamese? Or does it admit the possibility of defeat in a Vietnamized area or in a Vietnamized South Vietnam? The President might indicate what he expects of the 240,000 U.S. troops that stay in Vietnam after May, 1971. Will they provide helicopter lift and air and artillery support? Will they fight off attacks on their own installations? What rate of casualties are they likely to suffer? Are their functions eventually to be Vietnamized? Over what time? If the North Vietnamese do not negotiate and if the South Vietnamese prove no stronger in the future than in the past, does the President nevertheless foresee a time when the United States can disengage from the war? Does ultimate withdrawal depend on permanent North Vietnamese fear of the "strong and effective measures" he has threatened?

It may be too much to hope now for answers to these longer-term questions. There ought, however, to be one further element in the summing-up. According to Stewart Alsop, the President noted on his yellow pad that the Cambodian operation would cause "deep divisions" at home. No doubt, these divisions were reinforced by the tragedies at Kent and Jackson. But does President Nixon now estimate that the benefits of the operation justified the damage to domestic peace and to faith in America? And is this the last time we shall be asked in Indochina, to buy time with lives, to prove our nationhood by resort to sudden violence, to punish the enemy for warnings ignored, or to keep South Vietnam from being out-flanked by Communist forces in Cambodia or Laos?

The PRESIDING OFFICER. Will the Senator suspend? The Senate will be in order.

THE SALARIES AND OVERSEAS ALLOWANCES OF OUR "ALLIES"

Mr. FULBRIGHT. Mr. President, I understand that the Senator from Michigan, as has already been stated here, is going to offer an amendment to modify the Cooper-Church amendment with respect to the hiring of mercenaries.

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

Mr. FULBRIGHT. I yield for a question.

Mr. GRIFFIN. Mr. President, my amendment does not deal with mercenaries. I suppose that the Senator from Arkansas can characterize it in that manner if he wishes. But I indicate my strong opposition to his characterization at the outset.

Mr. FULBRIGHT. Mr. President, what these words mean is, as in "Alice in Wonderland," what each of us think they mean.

I want to make my remarks today because it is obvious from the request of the majority leader that tomorrow will be a very congested period.

These remarks are quite brief, considering the usual procedure on the Senate floor.

Mr. President, on last Friday, I had printed in the CONGRESSIONAL RECORD several tables which compare the salaries and overseas allowances of our own men.

Today, I will insert a table which goes one step further. This table shows what an American GI or officer serving in Vietnam would receive as an annual allowance for overseas duty if he received allowances at the same ratio to the annual per capita gross national product as the allowances the United States pays to Thai military forces in Vietnam.

Last Friday, I stated that the "average annual income in Thailand is $167." That figure was obtained from the Department of State—Thailand desk. It was an estimate of what the Thai annual per capita GNP would be for 1969.

In the table to which I refer and will incorporate in the RECORD, I have used the figure of $130 as the annual per capita GNP for Thailand and $3,670 as the annual per capita GNP for the United States. Those are World Bank figures for 1967, the most recent year for which complete figures are available. These figures—from the World Bank Atlas, 1969—provide an accurate base from which we can reliably compare the annual per capita GNP of the United States with that of Thailand.

It is shocking enough to realize that the United States pays an annual overseas allowance to a Thai lieutenant general nearly seven times larger than the allowance it pays to an American general of equivalent rank—$5,400 as compared to $780 for the American.

It is astounding—and I do not much like adjectives—to realize how the Thai lieutenant general's allowances appear if they are compared with the society from which he comes which has an annual per capita GNP of $130 according to the World Bank.

A Thai lieutenant general receives an annual overseas allowance paid by the United States of $5,400. This is, I repeat, 41 times the $130 annual per capita GNP of Thailand. If an American lieutenant general were to receive overseas allowances 41 times as large as the annual per capita GNP of the United States—$3,670—his annual overseas allowance would be $100,925.

I will illustrate with one more case. A Thai sergeant receives from the United States annual overseas allowances while he serves in Vietnam of $720. This is five times the annual per capita GNP of Thailand. If an American sergeant in Vietnam, who now receives an annual allowance of $192, were to be paid five times as much as the annual GNP of his own country—as is the Thai sergeant—the American sergeant would receive an annual allowance of $18,350.

Mr. President, the table speaks for itself and I ask unanimous consent that it be inserted in the RECORD at this point in my remarks. Mr. President, I also remind my colleagues that this does not include the profit involved in acquisitions at the PX's, which are very substantial in both the case of the Thais and the Koreans.

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

Rank	Thai Forces in Vietnam		U.S. Forces in Vietnam	
	Annual overseas allowances paid by United States	Exceeds the annual per capita GNP of Thailand ($130) by (times)	Annual overseas allowances paid by United States [1]	U.S. allowances [2]
Lieutenant general	$5,400	41	$780	$150,470
Major general	4,680	36	780	132,120
Colonel	3,600	27½	780	100,925
Lieutenant colonel	2,880	22	780	80,740
Major	2,160	16½	780	60,550
Captain	1,800	14	780	51,380
Lieutenant	1,440	11	780	40,370
Master sergeant	828	6	270	22,020
Sergeant	720	5	192	18,350
Corporal	600	4½	156	16,515
Private	468	3½	96	12,845

[1] In addition to the above amounts which represent an allowance for "combat pay," the salaries of enlisted men serving in Vietnam are exempt from income tax and officers' salaries are exempt up to $500.

Figures in columns 1 and 3 are from Defense Department. Figures in columns 2 and 4 are arrived at by relating the Defense Department figures to the annual per capita gross national product of the United States and Thailand. The GNP figures used are from the World Bank Atlas 1969 and are for the year 1967, the most recent year for which accurate figures are available.

[2] Annual overseas allowances U.S. Forces would receive if paid in same ratio to annual per capita GNP of United States ($3,670) as Thais are paid.

Mr. FULBRIGHT. Mr. President, similar comparisons can be made with respect to allowances we are paying to Korean troops serving in Vietnam.

I believe this table of payments and these comparisons provide some idea of how we are distorting the societies which receive these enormous allowances from the United States for their armed forces. We are creating a military elite in Asian countries in which we make it possible for officers to receive 10, 20, even 30 and 40 times the income of the country-wide average annual per capita gross national product. Is it any wonder that we hear of rich generals stashing away funds in Swiss bank accounts?

Last week I spoke of the impact of this kind of practice on the moral fiber of our own Nation.

There is one more point that I would make. It relates to the secrecy which has shrouded these figures about the allowances the United States is paying the forces of some of its allies.

The argument which the executive branch has used for keeping these figures secret—a secrecy which the Symington subcommittee has now been able to get reversed, to some extent at least—is that if the forces of one allied nation knew what the United States was paying the forces of another allied nation, there would be jealousy and bickering.

Before I had studied these figures I was inclined to accept that argument.

But now that I look at these figures and compare them with what we are doing for our own brave men in Vietnam—men who are actually doing most of the fighting—I believe that the secrecy on these figures was imposed to keep these facts from our own GI's, more than from others.

How many American sergeants know that if they were paid overseas allowances by their own society in the same ratio that we pay allowances to the Thais, the Filipinos, and the Koreans, they would receive more than $18,000 per year, rather than $192?

Mr. President, the whole point is that these secret agreements, which took the Foreign Relations Committee and its subcommittee many months to pry out of the executive branch, are, I think, outrageous.

They obviously create a situation which makes it extremely desirable for these countries to obtain payment from our Government. And this goes a considerable way to explain the extreme secrecy regarding these agreements which have been made with this country.

We tried for more than a year or so to get the original so-called Brown letter—named for Ambassador Brown—which set out the agreement with South Korea. We were never able to get the official version beause the administration considered it to be such a sensitive matter. Of course, it is sensitive. It is outrageous. The amount that we pay these soldiers from other countries to come and fight with us in Vietnam is outrageous compared to what we are paying our own soldiers. That illustrates how outrageous it is.

I am certain that if our country and Senators know about it, they would not be willing to continue this program and to pay the Thais or anyone else to fight for us in Cambodia.

Mr. President, I yield the floor.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had severally agreed to the report of the committee of conference on the amendments of the Senate to the following bills of the House:

H.R. 12941. An act to authorize the release of four million one hundred eighty thousand pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 15021. An act to authorize the release of forty million two hundred thousand pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stocskpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile;

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylont amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; and

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H.R. 14720) to continue until the close of June 30, 1973, the existing suspension of duties on manganese ore (including ferruginous ore) and related products.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 17868) 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; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. NATCHER, Mr. GIAIMO, Mr. PATTEN, Mr. PRYOR of Arkansas, Mr. OBEY, Mr. MAHON, Mr. DAVIS of Wisconsin, Mr. RIEGLE, Mr. WYATT, and Mr. Bow were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to a concurrent resolution (H. Con. Res. 669) recognizing the importance of Honor America Day, in which it requested the concurrence of the Senate.

HOUSE CONCURRENT RESOLUTION REFERRED

The concurrent resolution (H. Con. Res. 669) recognizing the importance of Honor America Day, was referred to the Committee on the Judiciary.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

Mr. McCLELLAN. Mr. President, I have listened for several days at intervals to the long debate which has taken place in this Chamber on the pending Cooper-Church amendment which was made the order of business on May 14. I have participated in that debate but very little, only by asking some of my colleagues to briefly yield to me.

Now that we are to vote on the amendment tomorrow—vote it up or down in its modified form—I should like to state my position for the RECORD.

I have previously and publicly made my position known to my constituents and the public, and I should now like to record my views for the permanent RECORD of the Senate.

On May 19, the distinguished senior Senator from Kentucky (Mr. COOPER) and I were interviewed together on National Broadcasting Co.'s nationally televised "Today" show by the network's editor, Mr. Bill Monroe. The purpose of that interview was to discuss the merits of the pending Cooper-Church amendment and to explore the reasons why it should be adopted or rejected by the Senate.

Mr. President, at that time, and with due deference to the sponsors and supporters of the amendment, I unequivocally expressed my opposition to it. In stating my objections to it, I said:

> I simply think that the President of our country deserves better treatment and greater respect than to have inflicted upon him the public rebuke and implications that I think are clearly implicit in this amendment. The implication that it is premised in large measure on distrust and conveys a lack of confidence in the President of the United States as our commander-in-chief, I think, is inescapable and irrefutable.

I further stated on that broadcast that:

> To adopt this resolution in view of the timing of it and the climate of circumstances in which it is being offered would be tantamount to an official censure of the President of the United States by the United States

Senate. And I think that its enactment would be so interpreted, not only by the enemy, but by many other governments throughout the world.

I also pointed out in that discussion, Mr. President, that there was no justification for this distrust of the President, that President Nixon has kept his word about the withdrawal of troops from Vietnam. I reminded our audience that within the 16 months since Mr. Nixon became President he has reduced our troop personnel in Vietnam by 21 percent, that during that same period of time our casualties have declined by 37 percent and that the tempo and momentum of the war has diminished or been reduced proportionately.

The President has promised to reduce our Vietnam forces by another 150,000 troops within another year. I believe the President made that promise in good faith, that he intends to keep that promise. So far, I have observed no breach of faith, no action on the part of the President to warrant any disbelief or to indicate that the President cannot be trusted to carry out and fulfill this obligation.

Therefore, I cannot help but be concerned that however intended, and notwithstanding the laudable intentions of its sponsors, the Cooper-Church amendment is calculated in its natural import and common acceptance to challenge the validity of the President's program and the reliability of his promise with respect thereto.

Mr. President, when President Nixon announced in a nationwide broadcast on April 30, 1970, that he was ordering the destruction of the Cambodian border sanctuaries of the enemy, he stated that he would have all our troops out of Cambodia by June 30.

He has kept that promise. Tomorrow will be June 30, and I think it has been announced today that all troops are now out of Cambodia. I submit that there is no reason whatsoever to doubt that he will faithfully endeavor to carry out his promise and resolve to disengage and reduce further our forces in Vietnam and bring home another 150,000 of our troops by April 30, 1971.

I further said in that May 19 interview on the National Broadcasting Co. that:

> Since it is conceded that the President has the power to protect our troops, and I interpolate to say that he has the duty to protect them, I insist that the action in Cambodia, the invasion into these sanctuaries and destroying their potential there to make war, is not only a protection of the troops, but the commander-in-chief would be derelict in meeting his responsibility if he didn't undertake to destroy them in view of their contiguity to the battlefield.
>
> And I think he should be applauded and not condemned.

I further said that up to that time we had already captured enough ammunition to kill every American soldier in Vietnam 20 times over. The quantities of arms, ammunitions, and war supplies that we have taken in Cambodia have doubled, tripled, and in some categories quadrupled, since that time. We have now taken enough arms and ammunition to kill every American soldier in Vietnam 50 times over.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point as part of my remarks a comparative table of the quantities of arms and war materials taken by our forces in Cambodian sanctuaries as of June 26—that is, the end of last week—with the amount reported as of May 12.

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

June 26, 1970	Latest figures reported as of June 26	Figures used in my remarks on May 19 (as reported on May 12)
Enemy killed	11,195	5,004
Detainees	2,300	1,360
Individual weapons captured	20,830	7,068
Crew-served weapons captured	2,514	964
Rice (tons)	6,863	2,846
Rice (man-months)	301,972	83,149
Rocket rounds captured	44,412	9,349
Mortar rounds captured	67,308	10,441
Small arms ammunition	13,885,287	8,458,325
Land mines captured	5,455	
Bunkers destroyed	11,593	3,237
Vehicles destroyed or captured	429	167
For official use only:		
U.S. killed	330	89
ARVN killed	780	268

Mr. McCLELLAN. Mr. President, the military success of our attack on these sanctuaries is most rewarding and gratifying, indeed.

When I contemplate the suffering and death this stockpile of weapons and ammunition might have someday inflicted on our troops in the course of their withdrawal from Vietnam, I hail with pride and satisfaction the results of the Cambodian campaign. For we know now, Mr. President, these particular weapons and ammunition will not be—cannot be—used against our forces. We also know that it will take the enemy a long time to replace these supplies and to move them to positions for ready access to support attacks in South Vietnam. Thus, I can foresee, and I do not think it can be successfully controverted that as a result of the successful Cambodia campaign against the sanctuaries where they stored these huge war supplies, thousands of lives of American soldiers have been saved, the enemy's striking power in South Vietnam has been weakened, his plans for attack on Saigon and other targets in the delta area have been thwarted, while the safety of our troops has been strengthened, and their withdrawal according to schedule has been better insured.

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

Mr. McCLELLAN. I am glad to yield to my distinguished friend.

Mr. HOLLAND. Mr. President, I want to say that from information I have gained from two quite personal letters, one written by a young man, a friend of a young lady in my office, who had been in Cambodia until just a few days ago, and the other to the mother of another young man who also had been in there—they had been in different units, one in a so-called cavalry unit, which is not cavalry anymore, and the other is one of the other ground units—the information given is even more optimistic than the well-reasoned official information the Senator gives.

They think the invasion was a tremendous success and that it will give much greater freedom, both in time and in lack of danger, for the withdrawal of our troops from South Vietnam. In short, having been through these experiences, they feel that the invasion effort was an outstanding success, and they tell of the pride that they and their comrades felt in having taken part in that expedition.

From that more or less personal viewpoint of young men actually engaged in the service, I wanted to add to the much more formal statement made by my distinguished friend, with which I completely occur.

Mr. McCLELLAN. I thank my distinguished friend from Florida. I, too, get similar reports from troops in Vietnam.

Mr. President, I just cannot understand why every time we undertake to fight the war, to do something about it, we find objections here at home. We have our boys over there. They are committed. We committed them—not this administration; the past administration sent them over there. They are committed to fight. They are committed to war. This President is trying to get them home, and to retain some measure of honor and character in the process. I just cannot understand why we are unwilling to cooperate with him and to support him and to commend him when he takes action to which I think only the enemy could object—action which protects our boys, action which insures their greater safety, and which I think insures the success of the plan now to withdraw as safely as we can from that conflict.

Mr. President, I wonder how I would feel if I were over there, or my boy were over there, as soldiers, and the Senate passed a resolution, or what was tantamount to a resolution, condemning the action of the President of the United States for protecting me, or my son, or yours. That is what he has done. He has committed no crime. He has acted in good faith and has performed his duty as Commander in Chief of our forces. He does not deserve criticism, either express or implied, for the Cambodian incursion.

Mr. President, we are making a mistake when, every time we try to do something that hurts the enemy, we find the complaints here. I believe that the purpose in war is to hurt the enemy; and we have appeased too long. In fact, in this war we started by appeasing. We did not start out to win. We gave them advance notice that we did not intend to win. So all they had to do was outlast us, and they finally have ended up with our withdrawing now.

Mr. President, I do not trust the enemy. I do not trust his motives, his actions, his character, or anything about him. I think, if he could do it, he would undertake to impose upon us another Dunkirk as we withdrew our troops. And a President, as Commander in Chief, who could anticipate that that fact might occur, and did not undertake the action that President Nixon took to try to forestall it, to try to prevent it, to try to dis-

rupt the plans of the enemy so that he could not impose it, would be derelict in his duty as Commander in Chief, in my judgment.

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

Mr. McCLELLAN. I am glad to yield.

Mr. COOPER. Mr. President, I have heard the forceful and eloquent speech of the Senator from Arkansas. I recall the occasion when he and I had the privilege of being on a television program together, a week or two after our country's forces entered Cambodia.

Mr. McCLELLAN. May 19.

Mr. COOPER. May 19. I recall his forceful and eloquent statement on the "Today" TV program. I cannot disagree with many things he has said. I have supported the Vietnamization program of the President of the United States. Quite a number in this body do not.

Having served in the Senate continuously since 1957, I have witnessed our involvement in Vietnam mount and mount, until we had 560,000 men in Vietnam and in battle. I heard very little about the war until we began to suffer casualties. We sat here year after year, appropriating money to send troops, and finally found ourselves engaged in a great land war in Asia, which I doubt that any of us, or very few foresaw all of us bear responsibility. Our amendment attempts to prevent a similar step-by-step engagement in a larger war in Indochina.

Later I noted, when President Nixon became President, the commencement of his program of reversal of former policies, to bring our forces out of Vietnam. I have supported him. I have declared my support of his policy of Vietnamization on the floor of the Senate. I agree with the Senator on this second point he has made.

The Senator has spoken on a third point—the present military operation. There is nothing in the amendment Senator CHURCH, Senator AIKEN, Senator MANSFIELD, and I have introduced that deals at all with the present military operation in Cambodia. Our amendment is prospective. If it were to be passed, it would not become effective until July 1, or until it finally became law, and I am sensible that there is some question about that. The U.S. Armed Forces operation has ended.

I have said on the floor of the Senate several times that from a purely military standpoint, the destruction of sanctuaries may be a classical military operation. If it had been an operation in World War I or World War II, it would have been accepted as such. But moving into another country without its request did conjure up possibilities of further involvement as we became involved in Vietnam.

The Senator said further that our amendment is one which, in effect, is not only a criticism of the President of the United States, but a censure of the President of the United States. I suppose any legislative action which the Senate might approve and which some might interpret as limiting the power of the President of the United States at a particular time could be termed criticism if one wanted to be so extreme in his statements. I suppose we cannot escape this. I can only say that if we accept the argument the distinguished Senator has made, that the assertion of the congressional authority is a criticism of the President then there is nothing that Congress can ever do in the way of war-making decisions except to say that whatever the President does is all right. In saying this I do not say that the movement into Cambodia to destroy sanctuaries was not proper, nor am I here to say that the President intended or expected to become involved in Cambodia.

The Cooper-Church proposal is that in the future, if the United States is to become engaged in a new war for a new country—Cambodia—to which this country owes no obligation of any kind, or if we are to make a new commitment to extend the Vietnam war when President Nixon's policy is to end the war, then we think, constitutionally, Congress has a voice, a part, in making a decision when the resources, the materiel, and the lives of the young men of this country are to be committed to war.

That is all I have to say on this point. I recognize the arguments of the distinguished Senator from Arkansas, but I think we are simply talking about different things. I am talking about what the position of the Congress of the United States should be constitutionally, and from common sense and policy, not only to try to protect our country from a deeper involvement in the Vietnam war, but also to set some precedents against our involvement in future wars without the joint determination of the President and the Congress.

I am sure the President of the United States is not trying to expand the Vietnam war.

He is trying to end American participation and, I agree with the Senator, with honor, for throughout the years we have given the impression, and in fact, made these countries believe that we would defend them. We owe some obligation to them—not to abandon them precipitately.

I make these statements to say that the Senator and I agree in many respects, but if the Senator means to say that the Congress of the United States shall never have any voice in decisions that lead us into wars, then, on that point we disagree.

I thank the Senator.

Mr. McCLELLAN. I thank the distinguished Senator from Kentucky. We do not disagree, then, because I agree fully with my friend regarding the beginning of a war. But in this instance, we are already in a war. We call it an undeclared war, and it is, but it is a war, just as much so as if it had been declared. This war is not over, and the only thing that we have done, that I think apparently is being criticized—the implication of it is present in this amendment—is that the President ordered the sanctuaries on the borderline of the battlefield, in neutral territory that had been invaded, and those sanctuaries had been established by the enemy in a neutral country, without its consent. They were there as a danger to our troops, and the President ordered them cleaned out. I cannot blame him for it. I would not want to take any action, by vote, word, or deed, that would carry any implication of censure of him for doing it.

Mr. President, the distinguished Senator from Kentucky has said that he does not want the war escalated and escalated, and more money spent to keep troops going over there. I am trying to remind the Senate that all of that happened in another administration, and President Nixon is doing his best to get them out. I think it well to support him. I think he ought to be supported by every Member on that side of the aisle and every Member on this side of the aisle. There is no politics in it. We are in a war. Whether we got in there rightly or wrongly, no matter who is to blame, our boys are over there dying, and they are entitled to our support and our protection. I think we have made many mistakes—and right here in this Chamber, if you please—with respect to this war. I want to see the boys out. I think the President is trying to get them out.

I point out one reason that we are not trying to win the war: we did not start it to win it. I think there are times—and this is one—when you cannot win a political victory until you have convinced the enemy in a military war. I did not want the war to get any greater, but I think we should learn the lesson from this one never to get into a war again that we do not intend to win. We will not get into so many. We will not take action until the issue is such that it is compelling that we make the sacrifice necessary to bring about a military victory.

The distinguished Senator expressed his concern about getting into a war in Cambodia, that he wants to prevent that. Again, the President has given his word. I am willing to rely on it. That is all I am asking my colleagues to do. I have not found reason yet to doubt him, to distrust him, or to believe he is not sincere, or that he will not keep his word. There is time for us to act if he betrays us, and I do not believe he will do it. I do not believe he will do it.

Again I applaud the President, our Commander in Chief, for the wisdom and courage he demonstrated in ordering those sanctuaries destroyed. He deserves our support and commendation and not criticism and condemnation.

And since I think the action of the President in ordering those sanctuaries destroyed precipitated the offering of the Cooper-Church amendment, I cannot give it my support—not even after the modification and softening of it by the revisions of it that have been made.

I do not think we would have this amendment here had the President not ordered our troops into Cambodia to destroy those sanctuaries. I do not think it would be here. That precipitated it. And from my viewpoint, and I think the viewpoint of most governments the world over, and especially our enemy, there is the inference in this action that the Senate of the United States proposes to criticize and condemn the President for the action he took. I do not want any part of it. With that implication, Mr. President, I cannot support it. I shall still vote against it. In fact, some of the

provisions of it may now be moot. I mean there will be no need for them, as they apply so far as the sanctuaries in Cambodia are concerned.

I shall still vote against it. I think it is a grievous mistake. I do not believe that the best interests of our country can possibly be served in any way by its enactment. No benefits or advantages to our fighting men over there can possibly flow from it. I am, therefore, compelled to vote against it, even the modified version of it.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a telegram from John W. Powell, department commander of World War I Veterans, of Arkansas.

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

HOT SPRINGS, ARK., *June 10, 1970.*

Hon. JOHN MCCLELLAN,
U.S. Senator,
Senate Office Building,
Washington, D.C.:

The veterans of W.W.1. department convention in session at Hot Springs, Ark. has just approved unanimously a resolution which will be mailed to you today, unanimously approving the assignment of troops by Pres. Nixon in Cambodia. We seek your support and backing of the President in this decision as we have.

JOHN W. POWELL,
Department Commander, W.W.1.

Mr. MCCLELLAN. Mr. President, I have received a copy of a letter dated May 13, 1970, written by Mr. Herbert L. Thomas, Sr., a very distinguished citizen of Arkansas. The letter was addressed to members of the Amendment to End the War Committee, Post Office Box 1–A, Benjamin Franklin Station, Washington, D.C., to Senator GEORGE MCGOVERN, Senator FRANK CHURCH, Senator HAROLD HUGHES, Senator MARK HATFIELD, and Senator CHARLES GOODELL.

This is a letter, Mr. President, that comes from an informed source, and it asks some very provocative questions. I believe it is a letter that every Member of this body should read if in doubt about how he should vote on this amendment. I do not recall ever having seen a communication regarding a pending issue in the Senate that raises more questions and prompts more self-examination on the issue before us than does this letter. I ask unanimous consent to have the letter printed at this point in the RECORD.

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

EDEN ISLE, ARK., *May 13, 1970.*

To Members of the Amendment to End the War Committee, P.O. Box 1–A, Benjamin Franklin Station, Washington, D.C.

I listened with intense interest to your program of Tuesday evening, May 12, 1970. I think you did an excellent job of expressing your desire to end the war by legislation. Even though I think your views have had more publicity than the reasoning of the president has had, I am enclosing a contribution that together with many other contributions will give you an opportunity to carry your message to the American people. If you will answer other questions I raise here fully and understandably, I shall be glad to contribute more.

My position without knowing your answers to other serious questions related to the war but after hearing your appealing program last night is that I shall urge Senator McClellan to vote for the president to continue handling the war. I know, of course, that my friend, Senator Fulbright, agrees with your reasoning.

It has been my understanding that we did not go into Vietnam just to save this country for the South Vietnam government or to impose our will upon a portion of Asia. We went into it for the same purpose and with the same reasoning that we went to the rescue of Greece from the communists, the same reason our marines landed in Lebanon, for the same reason our 6th fleet went into the China Sea, for the same reason we stopped the missiles going into Cuba, and even for the same reason we adopted the Marshall Plan to help weaker people and weaker nations or nations under threat of being toppled by chaos caused by the skilled hand of the communistic world at the game of toppling nations without direct participation, plus the major reason of our own future welfare. We were successful in all these decisions except Vietnam and either you or your predecessors supported all these activities. It would have been wonderful, even superhuman if we had known not to go into Vietnam.

It was by our hindsight a mistake and I am willing to support a plan of getting out but since the leadership in determining the strategy of a war and ending it has been left in the hands of our elected presidents, I am reluctant to take this leadership away from the president. The act could weaken our nation. Neither the Congress nor any other group can furnish the inspired leadership that the right president can furnish to us in time of crisis.

The president, in my judgment, has given evidence that he too wants America out of Southeast Asia. He gave his plans and his timetable before you gave yours. Up until last night I had not heard your group talk as though you were willing to keep our men there for a while longer. You encouraged the dissenters to say, "Get out now—at once." So since you are adopting a timetable just as the president has done and since even you have conceded at times that he had access to more facts than you had before you, I would like to hear you answer the question of how you came to adopt the president's plan of a timetable.

As part of the dissenters' program how can you stand to wait for another single soldier to be killed? You have never before suggested we ought to do something to save the South Vietnamese from slaughter as we leave. The president did. Now, you too believe in that. What can you say to the mother whose son is killed on December 30th when your plan calls for us not getting out before December 31st? It was the president who laid down the policy of getting out of Southeast Asia and in the future only helping our beleaguered friends as Russia does—but keep our soldiers out. Are you now going to say the same thing except you are going to start before our men can be brought home safely and honorably?

If you will not believe the president, if you will believe none of his advisers, if you will not believe our military experts when they say the diversion into Cambodia is a valuable part of our program in getting out and that it has a better chance of shortening the time of return and saving lives than it has the opposite, then I cannot see that our military has any value to you in reaching your decision on military matters. I think Mr. Laird, as an ex-member of Congress, highly respected by the Congress before heading up the Defense Department, should be able to convince you or the American public that he is in a better position to evaluate the president's decisions than he was able to do as a congressman.

If we rush out of Vietnam and the communists take over Vietnam, Laos, Cambodia, and Thailand, which members of your group have conceded is likely to happen, and they relax awhile before they create guerrilla civil war in the Philippines, exactly what would your group propose to the nation if you are in charge rather than the president? If your answer is America shall never go to war again for any reason other than defense of our own mainland, I think you know what will happen to the Philippines. I do not call it the domino system, it is the communist system. South America could well be next where their activities are already felt. What is your answer there? Do not just say, "This will not happen." I am interested in testing your foresight—we are together on our hindsight.

I'd like to ask a favor of your committee which I think is reasonable and would help our country greatly. You have now taken over the leadership of the dissenters in the United States—by your actions and by your reasoning you have said to the dissenters, whose fringe are the rioters, that you are going to accept their cause in the United States Senate. Is it not reasonable that you should now say publicly in the same kind of program you put on last evening that it is your request since you are officially leading their cause as regards the Vietnam war that they can stop marching, stop rioting, and get back to their studies, their cause will not be neglected. I truly believe your word would be magic and effective with them.

You have convinced me beyond a doubt that you want to get out of Vietnam even if you do not mention that fact again. I now beg of you to convince me why you are better qualified to get us out than is the president whom I think you should admit wants us out. Tell us why we should accept that you know how to draw a better timetable than he has drawn, convince me by your position the number of casualties you would have compared to the president's casualties. At times you mention this as an undeclared war intimating that the president is making decisions that might come within his authority during a declared war, but not in an undeclared war of his own making. Surely all of you know that declared wars have become illogical—obsolete made so by the harassing tactics of the communists. If we had declared a war every time the Congress was in accord to intervene in some manner, such as Greece, Lebanon, or Cuba, we could be made to look stupid. The communists would just withdraw and we would be left with a hollow declared war. They start the static so small that it isn't war, it grows depending upon our action.

I believe some of you have said we need to reconsider the sale of planes to Israel. I agree but how do you reconcile this with your other statements that we have no business dabbling in the affairs of troubles elsewhere? Tell us your detailed future actions if it were left to you as to how far and how often we should show an interest in Israel. Again, this is an opportunity to declare your future actions rather than your hindsight. Believe me, I am seeking your views, as you ask me to seek, I want all America to know your views stated plainly and logically.

I shall look forward to your next national appearance and may the best plan be approved by the American people.

Sincerely,

HERBERT L. THOMAS, Sr.

Mr. MCCLELLAN. In conclusion, Mr. President, may I say that I know not what others may do. But when this RECORD is read in future years, my name shall not be one of those who raised the question about the wisdom and the courage of the President of the United States, the Commander in Chief, in a time of grave crisis. My name will not be on the scroll where it can possibly be said, "By that vote you gave the enemy hope and

encouragement." On the contrary, I think it will be read that I voted to support our troops over there. I voted in their interest and, in the long run, in the interest of America, her safety, and her security.

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

Mr. McCLELLAN. I am glad to yield.

Mr. HANSEN. Mr. President, I compliment the distinguished senior Senator from Arkansas for his very eloquent and compelling remarks this afternoon.

Let me say, first, that I do not question the patriotism or the loyalty, of any Member of the U.S. Senate, and I know that he does not. But I think that, very properly, he has raised some questions that we must ask ourselves. As we voted earlier today—and I had occasion at that time to make some observations—it is inescapable that, so long as we fail to make our position clear on questions such as are before us this afternoon, inevitably it will result in the enemy taking advantage of that sort of situation.

I agree with the distinguished senior Senator from Arkansas that this Nation ought not start into a war halfheartedly. If our national interest is sufficiently at stake, I believe we should commit ourselves and be willing to go in all the way; and if we are not ready to go that far, then I say let us not start in. I do not want to have another repetition, insofar as my action is concerned, in going into another Vietnam or any other peace that will result in our involvement, our loss of American lives, and all the effort that has gone into that action over there, and then have to contemplate, as now seems to be our sad duty, the possibility of having made much of that sacrifice in vain.

I am sure that a great many people do not agree with me; but I think that history will judge us, as indeed it must all men, and when we look back from the vantage point of time, I suspect that the truth and the wisdom that seems so apparent, as contained in the very deeply felt remarks of the Senator from Arkansas, will become more obvious to us all.

Before the vote, I intend to speak at more length but I did not want to let this occasion pass without paying my respects and expressing the deep appreciation and the complete agreement in which I find myself with respect to the remarks of the distinguished Senator and great patriot from Arkansas.

Mr. McCLELLAN. I thank my distinguished friend. If I did not make it clear—I know I did, from the transcript I read of our television interview—I question no one's integrity, no one's motive, no one's patriotism. I simply am determined, however, to satisfy my own conscience with respect to my own.

THE POSTAL REORGANIZATION ACT—PRIVILEGE OF THE FLOOR

Mr. BELLMON. Mr. President, I ask unanimous consent that Theodore J. Kazy, the senior staff assistant of the Committee on Post Office and Civil Service of the House of Representatives, be given floor privileges, under rule XXXIII, during the consideration of S. 3842 and H.R. 17070, the postal service reform bill.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMA EASES ABORTION RULES

Mr. PACKWOOD. Mr. President, I have been a longstanding supporter in the field of abortion, of the right of a woman to terminate a pregnancy by private decision of her own conscience, if she so chose.

This week, the American Medical Association, after a longstanding battle, has changed its position on the subject of abortion and has, in essence, said that if a woman wants one and her physician agrees, after consultation with two other physicians, she may have one.

I ask unanimous consent to have printed in the RECORD an article published in the New York Times concerning the American Medical Association's decision.

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

AMA EASES ABORTION RULES; CITY HEALTH UNIT EXPANDS PLAN—SOCIAL REASONS ACCEPTED

(By Richard D. Lyons)

CHICAGO, June 25.—The American Medical Association voted for the first time in its 123-year history today to allow doctors to perform abortions for social and economic reasons, as well as medical.

After a bitter controversy that raged for a week at the association's annual convention, the AMA's House of Delegates, which sets policy for the group, voted 103 to 73 to consider the performing of abortions ethical if the following conditions are met:

That the doctor be properly licensed to practice medicine.

That the operation be performed in a hospital accredited by various public health organizations.

That two other physicians be called in for consultation.

Today's stand, which was regarded as a surprising turnabout by many physicians here, is not quite so liberal as the newly enacted abortion laws in New York, Hawaii, and Alaska, which do not require the last two conditions.

But the new position has far fewer legal qualifications than laws in the 47 other states and it is bound to affect abortion reform campaigns in them.

After the vote, Dr. Gino Papola of Upper Darby, Pa., the president of the 6,000-member National Federation of Catholic Physicians Guild, said he intended to resign from the AMA and he urged the nation's other 35,000 Catholic doctors to do the same.

"In effect, the AMA has made it ethical for doctors to become paid executioners," Dr. Papola said in a telephone interview. "I certainly don't want to be a doctor in the AMA under these circumstances."

UNETHICAL FOR 120 YEARS

However, the resolution adopted by the House of Delegates specifically states that a doctor cannot be compelled to perform an abortion if it "violated his good medical judgment" or is "violative of personally held moral principles."

Today's action is not expected to affect Roman Catholic hospitals, which contain nearly one-third of the nation's general hospital beds, since the resolution also states that hospitals do not have to perform abortions if their directors do not want them to. Few abortions, if any, are performed in Catholic institutions.

For 120 years the AMA considered abortions unethical, stating in 1871, for example, "that it to be the duty of every physician in the United States to resort to every honorable and legal means in his power to rid society of this practice."

Over the years, however, some respected physicians would perform abortions if they believed that the pregnancy was a threat to the health of the mother.

Three years ago the House of Delegates voted to consider the performing of an abortion ethical if there were a threat to the mother's physical or mental health, a threat that the child might be born deformed, or if conception had taken place under criminal conditions such as rape or incest.

A dozen states and the District of Columbia subsequently altered their abortion laws. This fall the Supreme Court is to take under consideration the issue of whether a law that restricts abortion is a violation of a woman's constitutional rights.

The AMA's shift on abortion was prompted by a report issued last month by the association's 15-man Board of Trustees that "recommends that the House of Delegates establish a policy on abortion that would permit the decision to interrupt pregnancy to be made by the woman and her physician."

The trustees said they were worried that the new state laws might force doctors practicing in those states that have liberalized their abortion laws into what might be construed as an unethical position.

A special AMA committee on Monday heard 52 witnesses testify on the Board of Trustees' recommendation with many Catholic physicians urging that it not be adopted. The Catholic policy on abortion is that the practice is immoral except when medical treatment, such as radiation for cancer, might kill the fetus.

Dr. Wesley W. Hall of Reno was voted president-elect of the AMA. Dr. Hall, a member of the Board of Trustees, will succeed Dr. Walter C. Bornmeier when his term expires at the 1971 convention.

Dr. H. Thomas McGuire of New Castle, Del., was elected vice president.

THE McGOVERN-HATFIELD AMENDMENT

Mr. PACKWOOD. Mr. President, this is neither the time nor the place to argue at length the resolution referred to as the McGovern-Hatfield amendment. But I did have occasion in the past 2 weeks to poll the voters of Oregon. I mailed out between 70,000 and 80,000 questionnaires. I am not sure of the exact number, because I did not count exactly those that were returned for inability to send. But we received back 11,512 answers.

One of the questions asked was specifically on the McGovern-Hatfield amendment. The amendment was very clearly explained, and then the voters were asked whether or not they favored it, opposed it, or had no opinion. Of those who responded, 5,701 favored the McGovern-Hatfield amendment, 5,265 opposed it, and 546 had no opinion. Translated into percentages, 49.5 percent favored it, 45.7 percent opposed it, and 4.8 percent had no opinion.

Again translating that, if we eliminate those who had no opinion, 52 percent favored the amendment and 48 percent opposed it.

Mr. President, I place these figures in the RECORD solely for the information of

the Senate when they come to considering this amendment weeks and months hence.

AMENDMENT OF THE FOREIGN MILITARY SALES ACT

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

IN SUPPORT OF ASIAN SELF-DEFENSE

Mr. GRIFFIN. Mr. President, the debate in which the Senate is engaged is an historic one. It concerns the manner in which the United States will meet its responsibilities as leader of the free world. It concerns such questions as whether and how the United States will use its influence to preserve peace and stability in Asia and the Pacific.

It concerns the very heart of the Nixon doctrine.

Mr. President, I shall, upon conclusion of my remarks, offer an amendment to subsection (3) which would modify the Church-Cooper language to make it read as follows:

> No funds authorized or appropriated pursuant to this Act or any other law may be expended after July 1, 1970 for the purpose of—
> (3) entering into or carrying out any contract or agreement to provide military instruction in Cambodia by United States personnel or to provide United States personnel to engage in any combat activity in support of Cambodian forces;

The operative change in the amendment to subsection (3) is to insert the words "by United States personnel" in two places.

The purpose of the amendment is to make clear that the United States would not be enjoined by the Church-Cooper language from assisting non-Communist nations in Asia which stand prepared to cooperate in lending support to a neighboring country in dire need, in this case, particularly Cambodia.

The amendment we offer would not authorize anything, but it would modify the broad language of subparagraph 3 of the Church-Cooper amendment, which goes far beyond the "mercenary" issue; it would actually nullify the Nixon doctrine so far as Cambodia is concerned.

Indeed, if the Church-Cooper language as now presented, were to be enacted into law, the so-called Nixon doctrine would apply to all non-Communist nations in Asia except Cambodia.

It is understandable that the sponsors of the Cooper-Church language do not want American forces to become involved in Cambodia. Obviously, the Church-Cooper amendment was precipitated by the temporary incursion ordered by President Nixon to clean out Communist sanctuaries inside the Cambodian border.

Many people who have been reading about the Church-Cooper amendment are laboring under assumption that it deals only with the use of American forces in Cambodia. Well, it does deal with the use of American forces in Cambodia, but what many people in and out of the Senate have overlooked is that the Church-Cooper language goes much further. Indeed, it seeks not only to preclude the use of American troops in Cambodia but the Church-Cooper language says in effect that we cannot help any other country in Asia which is willing to come to the aid of Cambodia.

As the Church-Cooper amendment now stands, and I refer particularly to subparagraph (3), it defeats its own purpose.

I know that those who support the Church-Cooper language are trying to guarantee that indirect involvement in Cambodia by the United States will not lead to direct involvement of the U.S. forces. But it goes too far.

The amendment offered by the Senafor from Washington (Mr. JACKSON) and myself is proposed because the language in subparagraph 3—prohibiting U.S. military assistance to any country that might come to Cambodia's aid—is so broad as to be self-defeating.

It is self-defeating for two reasons.

First, it is in the interest of the United States that the non-Communist nations of Asia be able to carry the primary burden of their own defense. In practical terms, this would be impossible if those who receive U.S. military assistance are not allowed to turn to one another for aid and support.

Second, to enact subparagraph 3 as it now stands would set a precedent that will give alarm to our friends and allies elsewhere around the world whose mutual cooperation we have been encouraging for the past 25 years.

In the President's statement at Guam in mid-1969, and in his report to the Congress on U.S. foreign policy for the 1970's. Mr. Nixon observed that we look to Asian nations to increasingly assume the primary responsibility for their own defense. He said:

> This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them . . . they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet if we do too much, and American forces do what local forces can and should be doing, we promote dependence rather than independence.

Press response to the President's Asian policy was generally warm and approving. Columnist Richard Wilson wrote in the Washington Evening Star on July 28, 1969:

> What the final result of this venture will be cannot be foreseen. But what can be foreseen is the first determined effort by an American President to extricate the United States from the immense military burdens it has tried to carry since the end of World War II in maintaining order and stability in the world. . . .
>
> The Johnson era in Asia has definitely come to an end and the Nixon policy on non-intervention has begun. Asia for the Asians. We will help the free nations fight their own fight against internal subversion but we will not fight their war for them. No more Koreas. No more Vietnams. That is the message Nixon has carried to Asia whether the Asians like it or not. The President has moved faster and gone farther than seemed likely when he took office six months ago.

The President's Guam doctrine was hailed by free Asian leaders almost as soon as it was stated.

The Washington Post reported that Philippine Government leaders saw it as a meaningful compromise between outright American withdrawal and continued direct U.S. participation in regional affairs.

The Philippines Herald saw it as indication enough of America's willingness to heed the voice of Asia's leaders and her deeper concern for the welfare of this region.

From India, the Washington Post reported:

> President Nixon's pleas to Asia to look after its own defense is particularly welcome to the Indian government, which has been arguing on the same lines in view of Britain's scheduled withdrawal from East of Suez by 1971.

The Washington Post, in an editorial on July 28, 1969, said this of Mr. Nixon's Asian policy:

> Its prospects of working are immeasurably enhanced by its timing, coming as it does a moment when we are in fact beginning the process of visibly disengaging militarily from Vietnam, whereas when other Presidents were saying these things—stressing Asian regionalism, seeking to minimize the significance of our military role—American military power was moving in, not out.

Nor was this generally favorable reaction confined to newspaper editorials or newspaper columnists.

A very welcome display of bipartisan support arose in Congress following the President's enunciation of his Guam doctrine. For example, the distinguished majority leader of the Senate, the Senator from Montana, had some warm words for President Nixon's approach to future U.S. foreign policy as enunciated during the President's Asian trip:

> The President is moving with caution and consideration but also with a sense of reality based on the changes which have occurred on this globe. He is not advocating isolationism, nor is he advocating the abandonment of Asia.
>
> In his candid statements, both in this country and in Guam, he has emphasized that the United States is a Pacific power with peripheral interests on the Asian mainland . . .
>
> . . . What the President has done, in short, is to signal the less likelihood of American participation in wars on the Asian mainland in the future. The President has also encouraged the Asian nations to depend more on themselves in both internal security and military defense which, to me, seems to be a sound long-range policy. In short, what the President has stated broadly and plainly is continued support for the nations of Asia but with greater Asian participation and responsibility.

President Nixon's Guam doctrine is not a complete and revolutionary departure from all past policies. It fits in with the responsibilities we have accepted to help keep the peace and help defend the independence of other nations in the world.

It is different in its emphasis, and in method—but this is because President Nixon recognized such changes were overdue and acted accordingly.

The United States assumed more and more responsibilities as a world power between 1945 and 1950. For two of the most important years in that period, 1947 and 1948, the Republicans were in majority in Congress, while a Democrat was in the White House.

It was during that critical period, that

a distinguished Republican Senator from Michigan, the Honorable Arthur H. Vandenberg, helped formulate the concept of bipartisanship in the American foreign policy. And I think no one ever defined it better than Michigan's Senator Vandenberg in a letter he wrote to a constitutent in January 1950:

To me "bipartisan foreign policy" means a mutual effort, under our indispensable two-Party system, to unite our official voice at the water's edge so that America speaks with maximum authority against those who would divide and conquer us and the free world.

In this respect, I might add, our distinguished majority leader presents the very finest example of this tradition.

I realize the sponsors of the Cooper-Church language want us to disconnect ourselves in such a way from Asian efforts at collective self-defense that we will not become directly involved in Cambodia. I respect their intentions.

But as the amendment now stands, it would mandate abdication of our responsibility, and it would discourage our friends from shouldering theirs.

On the other hand, our amendment recognizes American supportive responsibility, and would enable us to carry it out in a way that makes clear to other countries that the direct burden for their defense rests with them and not in the United States.

This brings us to the second reason why the language of subparagraph 3 of the Church-Cooper amendment is so broad as to be self-defeating. As I said earlier, to enact the amendment as it now stands would set a precedent that will give alarm to our friends and allies elsewhere around the world whose mutual collaboration we have been encouraging.

For 25 years, under five Presidents, the United States has supported free nations which resisted aggression, either singly or jointly. Twenty-three years ago, in March 1947, this policy was clearly enunciated by President Truman when he declared:

It must be the policy of the United States of America to support free peoples who are resisting attempted subjugation by armed minorities, or by outside pressure.

The immediate concern of President Truman and the American people was the attempted takeover of Greece and Turkey. In Greece the democratic government was involved in a death struggle with armed Communist guerrillas. Turkey's Government was nearing the cave-in point under strong pressure from the Soviet Union.

In both Greece and Turkey, the situation had become critical when President Truman reaffirmed American intentions to sustain and support free governments under attack. This statement of policy was to guide the United States from that point to the present. It is still American policy.

Another totally logical and, it seems inevitable, progression from the success of the policy in Greece and Turkey was formation of the North Atlantic Treaty Organization—also launched by the Truman administration and also still a fundamental part of American policy.

To date we have spent some $21 billion in support of this policy of providing military assistance in underdeveloped nations, and another $18 billion toward the same end in developed countries.

Discouraging our friends from helping one another is no way to bring peace to Asia; nor does it make it easier to bring American men home.

Some argue that the "lesson of Vietnam" is the lesson of 1961–65; that American assistance is only a prelude to American military involvement. But the overwhelming evidence of the last 25 years is that the opposite is true. How many nations around the world have we assisted in getting back on their feet who are now in a position to undertake the primary burden of their own defense?

Vietnam itself has another lesson: It is the lesson of Vietnam 1969–70 that a dedicated and concerted American effort to assist a nation to develop the capacity to defend itself is precisely what enables us to reduce our burden of involvement.

It enables us to disengage, to disconnect ourselves from direct military involvement, while building the foundation of stability and peace. This is the true lesson of Vietnam.

The Vietnamization program is proof of it.

The Vietnamization program is working and this is a point which should not be obscured by other discussions, other matters.

The current American troop commitment in South Vietnam is down 21 percent from 1 year ago.

By April 15, 1970, President Nixon had reduced American troop levels below 434,000.

But another reduction, this time of an additional 150,000 men, has been announced for the near future.

As part of the American troop reduction in Vietnam, the number of infantry-type maneuver battalions has been reduced by approximately 30 percent from 1 year ago.

We have turned over to the South Vietnamese, or withdrawn our ground forces from, about 25 percent of the tactical areas for which we once had complete responsibility.

I am confident that those who support the Church-Cooper amendment have no intention to destroy SEATO as a potential for a balanced peace in Asia.

They do not seek to preclude the emergence of Japan as a possible balancing factor in Asia.

They do not intend to abrogate the ANZUS treaty.

And yet, I suggest most respectfully that the effect of adoption of the Church-Cooper amendment could have such results.

The problem that Cambodia represents in Southeast Asia goes far beyond its own borders and includes much more than Vietnam and Thailand as well. The problem that Cambodia symbolizes involves all of Asia and the possibilities of peace in Asia for a generation to come.

There are other nations of the Pacific and Asia with direct and strong concern in what happens to Cambodia and Indochina. It is upon these countries that we must depend to help maintain peace and freedom as American forces are withdrawn.

Unfortunately, the Church-Cooper amendment would discourage these nations from asserting this role and fulfilling their responsibilities. A great deal of past American effort, both diplomatic and financial, will go down the drain, in effect.

If section 3 of the Church-Cooper language were enacted without amendment, it would mean that our friends among the Asian and Pacific powers would have their hands tied, specifically with relation to Cambodia. And the effects could be more far reaching than that.

If this is to be the American response when an Asian nation comes to the aid of another Asian nation, we will certainly not be building or encouraging the self-reliance that is so desperately needed.

Our amendment is designed to protect the basic intent of the Nixon doctrine, and support individual and collective efforts by the countries of the region to defend themselves.

There are some who will say that the United States intends to hire mercenaries to act as proxy warriors. They point to the fact that during the previous administration arrangements were made under which the United States agreed to meet the operating expenses of certain units in Vietnam. They argue that the previous administration, in order to fly more flags in Vietnam, paid for units which otherwise would not have been sent.

Nothing of that kind is contemplated by this administration with respect to Cambodia. What our amendment seeks to do is to keep the door open so that if other nations in Southeast Asia wish to assist Cambodia they can do so without being penalized by the loss of U.S. economic and military assistance, in accordance with the Nixon doctrine.

It should not be overlooked that the foreign forces which the United States may in the past have helped to support South Vietnam were brought there at a time when the United States was rapidly building up its military presence. Whatever economic or military aid the present administration may provide today to friendly nations in Southeast Asia, would come at a time when we are rapidly reducing our military presence in Southeast Asia.

It is essential to keep in mind that other countries in the area, such as Thailand, have a direct national interest in aiding Cambodia. If Cambodia should fall to Communist aggression, who will say that neighboring countries such as Thailand would not be in grave danger?

If one man's mercenary is another man's patriot, then clearly much depends upon which side of the coin we examine.

North Vietnamese troops invaded Cambodia years ago. Cambodians are now fighting to preserve their independence from the North Vietnamese and the Vietcong.

If other non-Communist Asian nations, such as Thailand, South Korea, or Indonesia, or others should answer Cambodia's plea for assistance, I honestly do not see that we can fairly label them as mercenaries.

Webster's defines a mercenary as "a soldier hired for service in the army of

a foreign country, serving merely for pay or sordid advantage."

Since neither Thai troops nor South Korean troops nor any other nation's forces are serving in that region or serving in the army of a foreign country or for "sordid advantage," the use of the word "mercenary" brings more emotion than logic or reason to this debate.

It is clear that citizens fighting for the defense of their own country, or for regional security, are not "serving for sordid advantage" and therefore are not mercenaries. Heaven knows the nations of Europe could hardly be called mercenaries for helping one another against Germany with American aid in World Wars I and II.

If a nation, such as Thailand, decides in the interests of its own national security, that it should assist the Cambodians, certainly we should not discourage such action.

At a time when the United States is withdrawing its troops from Southeast Asia, it would be most unwise for Congress to restrict the administration in a way that would discourage and prevent the very kind of regional cooperation that many of us regard as the best hope of fostering peace and stability in Asia.

Accordingly, I strongly urge my colleagues to adopt the amendment which will be offered on behalf of the Senator from Washington (Mr. JACKSON) and myself.

AMENDMENT 716

Mr. President, I send amendment No. 716 to the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. DOLE). The amendment will be stated.

Mr. GRIFFIN. Mr. President, I withhold the offer of my amendment until after the Senator from Kentucky has completed his statement.

Mr. COOPER. Mr. President, I appreciate very much the courtesy of the assistant minority leader, the distinguished Senator from Michigan. As time will be limited tomorrow to 1 hour on the amendment to be offered by the Senator from Michigan and the Senator from Washigton, Senators GRIFFIN and JACKSON, I shall make a short statement responding to the argument of the distinguished Senator from Michigan.

Mr. President, for 7 weeks the Senate has debated the Cooper-Church-Aiken, Mansfield amendment. In a larger sense, it has debated the issue of the constitutional authority of the Congress and the President in determining whether the resources of our country—material and in human life—shall be committed to war. However one may interpret the language of our amendment at this point in the long debate, it is abundantly clear that the sponsors and supporters of the Cooper-Church amendment intend that the United States shall not be committed to a new war in Cambodia, for that country, to which the United States owes no obligation, without the joint determination of the President and the Congress.

And I believe it has been made clear that our amendment is intended to prevent the commitment of U.S. forces to an extension of the Vietnam war to a new theater in Cambodia without the joint determination of the President and the Congress.

This second purpose may not be as capable of precise definition as the first purpose, for the President undoubtedly has the authority and duty to protect American forces wherever they are. But in a practical way, judgment and reason and commonsense on the part of both the Congress and the Executive must direct that the authority of the Executive to protect U.S. forces does not comprehend extending that power to involvement in a new war or to commitment to a larger Vietnam war.

In repeating this theme which the sponsors of Cooper-Church have consistently held throughout the debate, we do so without any assumption that the President intends such larger involvement. For myself I have stated again and again that I believe the President did not intend such a larger involvement. I have stated further that I had no doubt that he would withdraw U.S. forces from Cambodia, as he had declared, on June 30. I understand that the withdrawal of U.S. forces was completed today.

But Congress has its Constitutional authority and responsibility as a coequal and separate branch of our Government. Whether or not the Cooper-Church amendment becomes law, and however it may be interpreted, if the Senate approves it, the Senate will have gone a long way toward asserting that it is the Constitutional responsibility of the Congress to participate with the President in determining whether the engagement of the United States in a specific war is necessary for the security of the United States and its people.

Our amendment now faces another effort to negate one of its purposes—the prevention of the involvement of the United States in Cambodia, and in support of Cambodia, without approval of Congress. Subsection (2) of our amendment prohibits the use of American personnel in a war in Cambodia, for Cambodia. Subsection (3) prohibits the employment of the forces of other countries by the United States for war service in Cambodia.

The purpose of the amendment of the Senator from Michigan (Mr. GRIFFIN) and the Senator from Washington (Mr. JACKSON), would nullify subsection (3) of the Cooper-Church amendment. Its language—prohibiting the use of American personnel is unnecessary, for our subsection (3) accomplishes that purpose. The language of the Griffin amendment is intended to authorize the United States to enter into contracts and agreements with other countries or nationals of other countries to employ them and pay them to enter the war in Cambodia, without first obtaining the approval of Congress.

There is nothing in the Cooper-Church amendment that prohibits any country, or any group of nationals of another country, from going to the assistance of the present government of Cambodia, if they desire to do so. What is prohibited by the Cooper-Church amendment is the employment of other countries and their nationals by the United States, for service in the war in Cambodia.

The Senator from Michigan (Mr. GRIFFIN) argues that subsection (3) of the Cooper-Church amendment would prevent the application of the Guam doctrine, enunciated by President Nixon in his speech at Guam on July 26, 1969—a speech applauded by leaders of both parties, and a doctrine which I support. Its substance is that the countries of Asia will assume the burden of providing the manpower for their defense, and that the United States will provide military and economic assistance.

There is nothing in the Cooper-Church amendment which prohibits the United States from furnishing supplies and arms to Cambodia, if the administration so desires, within the limits of the Foreign Assistance Act or the Military Sales Act, and the limits are very generous.

Mr. President, I do not think it would be a wise policy to provide a large volume of sophisticated and complex arms to Cambodia. But the authority of the President to do so is given him by existing law.

I call attention to the Foreign Assistance Act, sections 502, 503, 504, and 614 which provide authority for aid approximating, as I recall, about $700 million to $1 billion. I do not mean that this total sum will be used for Cambodia but it is available and as the President determines, could be used, It is not my jurisdiction to determine whether aid should be given to Cambodia. I am simply saying that the authority is available to the President and our amendment does not proscribe it.

Further, our amendment, subsection (3), does not prohibit categorically contracts and agreements by the United States with other countries or their nationals to train Cambodians or fight in Cambodia. It does require that such contracts cannot be entered into without the approval of Congress.

Surely this is a reasonable provision considering the history of U.S. involvement in Indochina. It is a history of 20 years involvement in different ways in Vietnam and the expenditure of over $100 billion and 325,000 casualties, 50,000 of them dead; it is the history of the provision by the United States of hundreds of millions of dollars of aid to Laos and Thailand, and the stationing of 1,000 Americans in Laos and 45,000 to 50,000 in Thailand.

Without intention on the part of our Presidents and the Congress to become engaged in a great war on the land mass of Asia, the Executive and the Congress, year after year, approved arms, advisers, then combat troops—our own and those of other countries. Our forces and the forces of other countries we supported were attacked and step by step we entered war.

Mr. President, I wish to quote from a statement made by the distinguished senior Senator from Delaware (Mr. WILLIAMS) on June 12 during debate in the Senate. This statement has been quoted in the New York Times and I have confirmed it in the RECORD. Senator WILLIAMS said:

> First, we sell arms to a country, then we send advisers to show them how to use the arms. Then we send troops to protect the advisers. And that's how America gets into wars these days.

I have never said that our purpose has been immoral, for I know that we have

intended to give protection and, perhaps, self-determination to the small countries in Indochina, which without question have been and are now the subject of aggression by North Vietnam.

But we must not repeat the process of backing into another war in Cambodia as we backed into war in Vietnam.

If the Guam doctrine is applicable to Cambodia or to Laos, and Thailand, the administration can present the case to the Congress for its approval or denial of support.

The Guam doctrine is not self-executing. Our subsection (3) of Cooper-Church requires a joint determination by the Executive and Congress before the United States would supply material and men before we could contract or agree with another country to provide manpower to fight a war in Cambodia.

The Senator from Michigan (Senator GRIFFIN) in his speech recalls the decision of our country after World War II to support Greece and Turkey and Western Europe. It was my good fortune to be a member of the Senate in 1947–48, when support for Greece and Turkey and of the Marshall plan was approved and voted. Later, in 1950, I attended the meetings of the NATO Council as a representative of the United States when decisions were made to assist in the protection of Western Europe. But these decisions were made only after the President presented its reasons for the support of Greece and Turkey and Western Europe in great detail to Congress, after it was debated, and then only after congressional approval.

It may be said there is not time now for consultation and joint determination between the President and Congress with respect to Cambodia and possibly Laos and Thailand, I disagree. There has been ample time before and since the United States moved into Cambodia. There is time now. If the threat is dangerous to the protection of our forces in Vietnam, or to the security of the United States, the Congress and the people should know it now.

Mr. President, I close by urging that the amendment proposed by the Senator from Michigan (Mr. GRIFFIN) and the Senator from Washington (Mr. JACKSON) be rejected. If their amendment is to be considered as an application of the Guam doctrine, I can only say that the doctrine is not self-executing. All of the facts should be laid before Congress and Congress should have the authority to support or deny support to an operation which might be sucessful or might become a second Vietnam in Cambodia, or an extension of the Vietnam war.

Surely the Senate, the Congress, and the people want U.S. participation in the Vietnam war ended as the President proposed. Surely we do not want it expanded, or a new war. The Cooper-Church amendment supports this position of the President and the people.

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

Mr. COOPER. I yield.

Mr. GRIFFIN. I wish to call attention to one part of the Senator's argument, I may comment at greater length, on the point tomorrow. At one point the Senator said that the so called Griffin-Jackson amendment would "authorize" the United States to help other nations provide forces. I wish to call the attention of the Senator from Kentucky to the fact that the Griffin-Jackson amendment would authorize nothing. There is no authorization of any kind for anything in the Griffin-Jackson amendment. It merely makes clear that the United States would not be precluded by the Cooper-Church language from considering such an option in the normal processes of our government. There would be appropriation bills and foreign aid legislation to consider, but the amendment we offer would not authorize anything. I wonder if we agree.

Mr. COOPER. I understand. Our amendment prohibits without the approval of Congress.

If I understand the Senator's amendment, and I think I do, the amendment cancels——

Mr. GRIFFIN. The prohibition.

Mr. COOPER. The prohibition. So, in effect, it does authorize it.

Mr. GRIFFIN. Only if silence can authorize.

Mr. COOPER. But again, the Cooper-Church does not prohibit. We do not prohibit such an agreement. We say that if such agreements and contracts are to be entered then the President must come to Congress.

Mr. GRIFFIN. The tragedy of the present Church-Cooper language as the junior Senator from Michigan sees it, is that we would be saying to the world that we shall not help any nation in that area that seeks to help Cambodia. I do not think we want to do that.

Mr. COOPER. As I explained, there is no prohibition in our amendment against any country helping Cambodia, if it desires to do so.

Mr. GRIFFIN. But the language prohibits our assisting.

Mr. COOPER. We can assist any country eligible under the Foreign Assistance or Military Sales Act. What cannot be done under the amendment is to enter into an agreement to pay another country to provide its resources and manpower to fight in Cambodia. If another country wants to do so under its sovereign power, it can do so. But our amendment goes to the point, as the Senator said, that it is not intended that the United States shall hire the people in another country to fight in Cambodia without consent of Congress.

If this is necessary to pay others to protect our troops in Vietnam or protect our national security, the administration can make the case if that is necessary. I do not like the idea but if it becomes necessary for our self-protection, why could not the request be brought to Congress? There are possibilities of further involvement. Laos is involved, also Cambodia, and there is talk about Thailand entering the war in Cambodia. I am not a Cassandra, but I believe the Congress should know all the facts.

Mr. GRIFFIN. Mr. President, as I indicated earlier I would do, on behalf of the Senator from Washington (Mr. JACKSON) and myself, I send to the desk amendment No. 716, and ask that it be stated, with the understanding, previously agreed to, that it will be the pending business tomorrow, under the unanimous-consent agreement, beginning at 11 o'clock, and the vote thereon to come at 12 o'clock.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be read.

The assistant legislative clerk read the amendment (No. 716) as follows:

On page 5, line 14, after the word "Cambodia" strike the comma and insert "by United States personnel," and on page 5, line 15, strike the word "persons" and insert "United States personnel".

The PRESIDING OFFICER. Without objection, the amendments will be considered en bloc.

Who yields time?

Mr. CHURCH. Mr. President, it has been argued that the adoption of the Griffin amendment is necessary if the United States is to implement the so-called Nixon doctrine. I find this argument difficult to grasp. The President himself, on November 3, in the course of an address to the Nation, defined the Nixon doctrine as follows:

In accordance with this wise counsel—

Said the President—

I laid down in Guam three principles as guidelines for future American policy toward Asia. First, the United States will keep all of its treaty commitments. Second, we shall provide a shield if a nuclear power threatens the freedom of a nation allied with us or of a nation whose survival we consider vital to our security. Third, in cases involving other types of assistance, we shall furnish military and economic assistance when requested, in accordance with our treaty commitments, but we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Now that is the definition of the Nixon doctrine according to its author, Mr. Nixon. He carefully applied the doctrine to those countries to which we are presently committed by treaty. In his explanation, he referred twice to our treaty commitments. He carefully avoided reference to countries not alined with us.

No treaty commitment, of any kind, is owed to Cambodia. We have assumed no obligation for the defense of that country, formally or informally. There is no mutual defense treaty between the United States and Cambodia; neither is there any Executive agreement. Every Senator has acknowledged, throughout this debate, that we have no obligation to Cambodia. Cambodia, therefore, falls outside of the scope of the Nixon doctrine, as defined by the President himself.

Second, President Nixon stated that his Guam pronouncement was a policy declaration that the United States would only furnish military assistance to those Asian governments willing to fight for themselves.

Listen to the President's own words:

But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

Are we now going to convert a valid policy of providing arms and equipment to a country that is willing to defend itself into something quite different? Is

this to become a policy of hired guns and paid mercenaries, labeled the Nixon doctrine? That, I suggest, is the effect of the amendment offered by the Senator from Michigan. At the very least, it is a gross distortion of what the President has said his own doctrine is. And at the very worst, it is a total departure from the best traditions of American foreign policy. It also raises questions which we think the Congress should consider if American support for mercenaries is to become our policy toward Cambodia.

There are reasons why we feel so strongly. The previous administration did not consult with Congress in regard to agreements the United States made with Asian countries whereby their troops were hired at a profitable price to fight in South Vietnam.

In some instances, it has taken Congress years to find out about those agreements. It was the insistent investigatory effort of the Symington subcommittee which enabled us to discover what was taking place in countries such as Laos; which enabled us to ascertain that large sums of money were paid to the Philippine Government for 2,500 troops sent to Vietnam, yet never fought there, and have now returned home. Many millions of dollars were involved, much of which was siphoned off in ways that have never been explained.

Throughout this unfortunate period, Congress remained ignorant of these secret agreements made with the Philippine, Korean, Lao, and Thai Governments. Only years later, left to our own investigatory devices, did we find out what had been done in secret dealings.

That may be the way some Members of the Senate view the conduct of constitutional government. That may be the demeaning role some Members want the Congress to play. If it is, then we no longer are the legislative body fashioned by the Constitution of the United States.

When Congress is not even informed of such dubious arrangements, let alone asked to consent, the President is being allowed to usurp congressional power. We should confess our error, and correct our practices before congressional power wastes away.

The Cooper-Church amendment would not prohibit the hiring of mercenaries, if that is to be the American policy in Cambodia. Our amendment would prohibit that policy from taking effect without the Congress being first informed by the President and without his receiving congressional consent.

WAR BY PROXY

One of the most unsavory aspects of the history of warfare—man's seemingly prime occupation—is the role of the mercenary. By briefest of definitions, a mercenary is a "hired gun." This is not a pretty label, but it is an accurate one.

Hiring mercenaries has been practiced by expansionist city-states and nations as far back as written records serve the historian.

The doleful list of mercenary involvement is a long one:

The Romans, in their lust for empire, employed Aegean bowmen and Carthaginian cavalrymen.

The imperious Persian king, Darius, had his Greek mercenaries.

The French had their Swiss mercenaries in the frightful Thirty Years War of Religions. Actually, the Swiss were quite bipartisan about the matter. They rented themselves out to all sides during this war, thereby, as one historical account phrased it, providing Switzerland and "an important source of foreign exchange."

The Turks employed Albanian mercenaries on their westward lunge for empire.

The British had their continental mercenaries to subjugate forcibly the Irish.

But as we approach the 200th anniversary of our Nation's founding, the one mercenary example that should be particularly hateful to us Americans was the use of Hessian mercenaries by the British during the American Revolution. In Massachusetts, in New York, in New Jersey, the Colonies to the South, thousands of Hessians fought General Washington's troops. As in most cases of mercenaries, the bargain was a bad one for the British. The Hessians did not fight very well. And the use of mercenaries was a goad that buttressed the determination of the English-speaking American colonists—revolutionists really—to fight more determinedly for their cherished independence.

The Senate will vote tomorrow on the Griffin amendment, which will permit this country to employ combat troops of third-party nations—mercenaries—to fight in Cambodia in support of the Lon Nol government without Congress being informed and without benefit of congressional participation or consent. At the same time, the United States will be embracing a marked characteristic of past empires—the hiring of mercenary armies.

The Griffin amendment, moreover, casts the most serious pall over the Nixon doctrine. Rather than furnishing weapons to Asian governments whose citizens are willing to do their own fighting, the Griffin amendment would convert the Nixon doctrine into a policy of American-financed wars by proxy.

Is the Nixon doctrine to be an acceptable and valid program of provisioning Asian governments with supplies and equipment with which to defend themselves? Or is the watchword of the Nixon doctrine to become "Hessians Unlimited"?

With these questions in mind, let me discuss the details of section 3 of the Cooper-Church amendment—the target of the Griffin amendment.

Section 3 of the Cooper-Church amendment simply says that before the United States uses its taxpayers' funds to pay allowances to third-country forces in Cambodia, the President must come to the Congress—in the normal manner—to have such a program authorized and funded.

Past practices require this precaution. As the published Symington subcommittee hearings have shown, in the cases of the Philippines, South Korea, and Thailand, secret arrangements were entered into as part of the high-priced deals that sent military units from those countries to South Vietnam.

The Congress, and particularly the appropriate committees of both Houses, have the right—in fact the responsibility—to be informed about, to review and to pass judgment on any agreements that precede the sending of third-country forces into Cambodia financed by U.S. funds.

The effect of the amendment by the distinguished Senator from Michigan (Mr. GRIFFIN) would be to permit the administration to enter into any agreement, pay any price, and cover up whatever deal is struck with any country that sends combat troops or advisers into Cambodia.

We have heard a good deal of misleading talk that this section of the Cooper-Church amendment would prevent "Asians from fighting Asians," or that it would prevent our giving arms to countries which wish to aid Cambodia.

Neither of these is true.

The amendment would in no way stop Thais or South Vietnamese trainers or combat forces from going to the aid of the Cambodian Government provided their own governments pay the salaries and allowances of their own forces.

Let me emphasize that last phrase, for it is in the nub of this argument—provided their own governments pay the salaries and allowances of their own forces.

It is not an overstatement to say that we have made it profitable for the individual Thai, the individual South Korean and—before they left—the individual Philippine officer and enlisted man to serve in South Vietnam.

I want to emphasize that we do not pay the basic salaries of any of their forces in South Vietnam. We therefore do not—as some have tried to say—make it possible for them to go. Rather, we make it profitable.

At this point, I ask unanimous consent to have printed in the RECORD a table prepared for the Symington subcommittee by the Department of Defense which compares the base pay of Thai officers and enlisted men, as paid by their own government, with the special supplementary allowances paid to them by the United States. In every case, the allowance paid by the United States is above, and in some cases more than double, the individual's base pay.

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

ROYAL THAI ARMED FORCES (RTARF) PAY AND ALLOWANCES FOR THAI PERSONNEL IN VIETNAM

Thai Government fiscal costs, including RTARF pay, allowances and benefit schedules for overseas service, are set forth below. Pursuant to an agreement with the Thai Government, the United States covers the costs of certain of the items listed, the others being paid by the RTG with no USG reimbursement.

The Thai Government pays without reimbursement base pay for Thai troops in Vietnam and numerous standard Thai allowances, e.g., hazardous duty pay, combat pay, education, transportation discount, etc., and other costs not specifically associated with service in Vietnam.

The United States has agreed to cover certain additional costs connected with the Thai Government's sending and maintaining these troops outside of Thailand. These include overseas allowances based on normal Thai overseas rates, death and disability benefits and a mustering-out bonus. While the Thai troops are in Vietnam, the U.S. also provides quarters and rations and other support in the

logistical area (e.g., transport, ammo, etc.). The overseas allowance is paid in military payment certificates in South Vietnam. The death and disability benefits and the mustering-out bonuses are paid in baht in Thailand.

All data below are presented in dollar equivalents on a monthly basis. A conversion rate of B20 equal $1 has been used.

RTARF PAY AND OVERSEAS ALLOWANCES IN VIETNAM

[Per Thai regulations and expressed in U.S. dollar equivalent on a monthly basis]

	Base pay (paid by Thailand)	Overseas allowance (paid by United States)	Monthly total
Lieutenant general	$370	$450	$820
Major general	330	390	720
Special colonel	240	330	570
Colonel	190	300	490
Lieutenant colonel	140	240	380
Major	98	180	278
Captain	70	150	220
Lieutenant	50	120	170
Master sergeant	48	69	117
Sergeant	38	60	98
Corporal	33	50	83
Lance corporal	30	45	75
Private	26	39	65

Note: Quarters and rations paid by United States.

DEATH AND DISABILITY (1-TIME PAYMENTS) PAID BY UNITED STATES

Enlisted men	$2,500
Noncommissioned officers	3,500
Officers	5,500

In the case of disabilities, these rates were scaled downward according to the nature of the disability.

Mustering-out bonus of $400 per volunteer.

Source: "United States Security Agreements and Commitments Abroad—Kingdom of Thailand Hearings," Senate Foreign Relations Subcommittee on U.S. Security Agreements and Commitments Abroad, pt. 3, p. 842.

Mr. CHURCH. I would also note that the allowance paid to Thai officers exceeds the combat pay allowance given U.S. officers serving in Vietnam.

There are other personal U.S.-paid benefits given these Thai troops—some of which, like $400 mustering out bonuses—are in the published record. Still others—at the request of the State Department—are classified.

There are other ramifications to this question of paying bonuses to foreign troops and thereby making out-of-country adventures profitable to them.

The practice has distinct political disadvantages both to the United States and to the country involved.

In Thailand, for example, where there is a minimal—but persistent—insurgent movement, the allowances to troops going to Vietnam works a morale problem within those forces that stay home. Thai army elements must fight at home against alleged Communist insurgents for half the pay—or less—that their comrades get fighting Communists in South Vietnam.

The result? The best officers and noncoms want to go to Vietnam. And when they return from that service, many now retire with the funds they have saved.

The payments also distort the relationship between allies. There has been an effort to compare the financial and material aid given to the Thais, Koreans, and Philippine forces that were in Vietnam to the support we provided allies in past wars. Such a comparison completely overlooks the allowances.

Did Churchill or Stalin ask for allowances to pay their forces? No. To be sure, we gave freely of our military aid then as we have in Vietnam. But, as I said before, this section of the Cooper-Church amendment does not touch military aid. It strikes only at the special allowance.

The payment of special allowances develops a special relationship with the countries involved that requires careful study rather than the blanket authority practiced in the past. With Cambodia it is a particularly difficult situation since at least one of the countries involved—Thailand—has in the past been at odds with the Cambodian Government over border territory. Once we start paying allowances that send the Thais into Cambodia, do we not implicate ourselves in whatever they may later elect to do there? Could we cut off the payments unilaterally? In the cases cited in Vietnam, administration witnesses told the Symington subcommittee that, although the United States was paying the bill, we could not cut off the payments as long as the Thais, Filipinos, or Koreans wished to remain in Vietnam.

Such was the character of the agreements we made with the governments concerned.

Thus, an agreement to pay allowances for third country forces could set in motion both political and financial commitments far beyond those simply envisioned by the opponents of our proposal.

The payment of allowances is not permanently barred by Cooper-Church's section 3. As in the case of other acts covered by our amendment, the requirement is that the administration come to the Congress and justify such action before it is undertaken.

We are seeking to put into operation a lesson learned from Vietnam. To gut section 3 would be to return to the blank-check days of Vietnam escalation—this time by proxy.

Mr. President, numerous articles involving the employment and use of mercenary troops, their high payment supplied by the United States, and the implications of such a policy, as it would relate to a broadening of the war on still another front, have appeared recently in the American press. All of them are pertinent to the pending amendment, and I ask unanimous consent that they be printed at this point in the RECORD.

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

[From the Washington Post, June 28, 1970]

MERCENARIES EYEING CAMBODIA

(By T. D. Allman)

PHNOM PENH, June 27.—Representatives of a group of mercenaries, mostly former members of the Australian Army, have approached the government of Lon Nol seeking employment as officers in the largely untrained Cambodian National Army.

Although official sources deny the contacts, the mercenaries' representative who granted an interview on the condition his name not be disclosed said he had met with General Lon Nol during a previous visit to Cambodia earlier this week and that the premier had expressed interest in hiring European and Australian mercenaries to train and lead Cambodian troops.

The inexperienced Cambodian army, swelled from 35,000 to more than 100,000 men in recent months, lacks arms, supplies and trained soldiers and officers. U.S. officials here have ruled out the possibility of American advisers being sent to train the army.

The mercenaries' representative, a former Australian non-commissioned officer with mercenary experience in New Guinea, Thailand and South Vietnam, said today successful negotiations depended on Cambodian ability to pay hard-currency wages.

He added that Cambodian officials had told him they were inquiring as to whether or not mercenary salaries, which run to several thousand dollars a month for each man, could be paid through American military assistance funds. Sources close to the prime minister tonight denied any contacts and precluded the possibility of Cambodia hiring foreign mercenaries. However, the sources said, "It is possible, but not yet planned, that we may hire foreign specialists for such work as airplane maintenance."

Both government sources and the mercenaries' representative denied that white mercenaries were presently involved in the Cambodian War.

Both the American and Australian embassies here have denied any knowledge of reported Cambodian mercenary contacts.

[From the St. Louis Post Dispatch, June 10, 1970]

BUYING OUR "ALLIES"

What the American public has learned so far about the policy of paying for Asian allies is shocking enough, yet it seems to be only part of the story. That part had to be dragged out of Administration officials fearful of letting either fellow-Americans or the world know the full price of allegiance in the Southeast Asian venture.

With diligence and persistence Senator Symington and his Foreign Relations subcommittee found that the cost of getting Thailand to send troops to Vietnam has been $200,000,000. That is for training, equipment and allowances and does not include far larger sums spent to build vast American air bases inside Thailand.

Since Thailand has already announced it would send troops into neighboring Cambodia at American expense, the Symington group naturally wants to know how much the United States is supposed to pay for that. The subcommittee has already discovered a 1965 contingency plan which commits this country to defend Thailand whatever Thailand does for America.

A few months ago the Senators learned that the United States paid the Philippine government $38,600,000 for sending 2200 noncombat troops to Vietnam. Part of that money went to the Philippine defense secretary, and the committee never did learn how much actually went to the troops. Meanwhile, South Korea has the largest "allied" force in Vietnam, and the full price of that to American taxpayers has not been publicly determined.

Not only American, but also Filipino and Thai and Korean leaders, have tried to keep the facts secret and with good reason. The money is being spent to demonstrate that Washington's war policy has tremendous support in Asia. But when this support has to be bought the illusion collapses into what Senator Fulbright rightly called the "ultimate in corruption."

The corruption is not so much in the payoffs as in the policy that promotes them and hides the truth. Not even King George III was that deceitful when he hired Hessian mercenaries to fight American revolutionists, and it might be expected that American governments would have learned something from that early experience.

Deceit has, however, become the cloak for the expansion of American military policy in Southeast Asia. John A. Hannah, administrator of the Agency for International De-

velopment, has conceded to the Symington committee that CIA men work in Laos disguised as AID agents.

Thailand, Laos, Cambodia, South Vietnam. As facts creep to light, it is plain that the United States is fighting and buying its influence across Southeast Asia. There is no longer simply the Vietnamese war. There is the war in four states.

[From the Wall Street Journal, June 24, 1970]

RECRUITING—AND PAYING—OUR ASIAN ALLIES

(By Robert Keatley)

WASHINGTON.—"A man getting drunk at a farewell party should strike a musical tone, in order to strengthen his spirit . . . and a drunk military man should order gallons and put out more flags in order to increase his military splendor."

The late Evelyn Waugh read this instruction from a Chinese sage and found "Put Out More Flags" an excellent title for a novel. But one might conclude that former President Lyndon Johnson also read it and found much more—a policy for Southeast Asia. At least, that conclusion is tempting after studying assorted documents issued recently by Sen. Fulbright's Committee on Foreign Relations.

For it appears Washington a few years ago became seized of the urge to put out more flags in Vietnam when it grew tired of taking the rap alone for an unpopular war (however justified it believed the combat to be). Thus it created something called Free World Forces, which U.S. propagandists once cited—interminably—as visible proof that crushing the Communist foe there had broad international support.

AN INDISCRIMINATE PEACE?

The organization has accomplished certain things. It fills a large and costly office building in Saigon, and in fact has all possible flags flying out front. Its tough South Korean contingent even fights the Reds and remains responsible for security in a vital area—though some say it keeps peace by a rather indiscriminate system of deciding just which Vietnamese are enemies.

But unfortunately for the publicists, some unflattering truths about these forces have been emerging lately, thanks to the Senator's committee, which is no friend of the Vietnam war.

The Philippines, for example, were persuaded to send a 2,200-man construction battalion (the Philcag) only after the U.S. spent $39 million getting it organized. Terms included extra salary payments from the American exchequer to Filipinos in Vietnam, such as $195 monthly per colonel. However, U.S. investigators haven't been able to trace just where all the money really went, and the suspicion lingers that some Manila officials—not known for probity—may have pocketed a healthy share.

On the scene, the Philcag set records of sorts; the average sergeant spent twice his annual salary in American PXs, indicating a healthy penetration of the profitable black market. Militarily, most observers agree the Philcag probably didn't set back the war effort very much before it recently went home again.

Other disclosures, about Thailand, show the ante can be raised when additional flags are desperately desired. The Thais are shrewd and, as former U.S. Ambassador Graham Martin testified, had few illusions about the usefulness of their contribution when asked to help. They went because they figured former President Johnson was finding going it alone "increasingly uncomfortable," Mr. Martin explained.

But they didn't go cheaply. Their colonels, for example, got a full $300 monthly extra from the U.S., and total cost to Washington so far exceeds $230 million. Though Thailand sent more men (11,000) than did the Philippines and has done more fighting, the overall impact hasn't been decisive—just as Bangkok knew all along.

Then there is the intriguing story of how the government of Honduras once joined the ranks of Saigon's friends. According to official accounts sent to Congress, a Honduran air force plane once voluntarily flew 3,100 pounds of supplies to South Vietnam—a laudable act indeed.

But the gesture was a bit more complicated than that.

The airplane, it appears, actually was an aging American C–54 on loan—repainted for the journey with Honduran colors. It did fly from Tegucigalpa to Saigon in 1967, taking along 26 passengers, and using about 17 days to travel each way (permitting rest stops in Honolulu, Hong Kong, Tokyo and Taipei). The U.S. paid such expenses as the $235 per hour it took to operate the plane. It also provided three navigators, because the Hondurans lacked necessary skills.

Perhaps it all did some good. Presumably, the clothes and drugs were needed. A few South Vietnamese may be reassured knowing they have friends in Honduras, if they know where that is. And the 19 Honduran military men who flew to Saigon perhaps learned about combat; last year their tiny country (the poorest in Central America) managed to go to war with neighboring El Salvador after a riot at a soccer match. Most likely, their 12 airworthy planes—piloted by the former Saigon visitors—played a role in this "football war," which ended in a draw.

ADDING ANOTHER CHAPTER?

Unfortunately, Washington may now add another chapter to this tale.

For the U.S. once again wants more flags flying in Southeast Asia, namely in Cambodia. It asks South Vietnamese forces to swoop across the border to help the shaky Lon Nol regime, a feat Saigon says may cost the U.S. an extra $200 million per year. Washington also encourages Bangkok to leap in once more, which the Thais say they will do for a price. And the Pentagon looks longingly at Indonesia's Siliwangi division and Malaysia's good police forces when considering who else might be useful in Cambodia.

But one wonders if the activists here have considered just what good this help might accomplish. Many Free World Forces have had a marginal impact in South Vietnam at best, cost a great deal and created political problems.

Referring to the mid-1960s, Ambassador Martin rather wryly noted that "this was not a period which we would probably wish to cite as an historical precedent for the complete devotion to logic." Perhaps that hasn't changed completely, and unpleasant logic may be shoved aside again as the drive to put out more flags resumes.

[From the Washington Post, June 19, 1970]

UNITED STATES, BANGKOK BARGAIN ON THAI AID TO CAMBODIA

(By Murrey Marder)

The United States and Thailand are bargaining behind the scenes over the costs of sending Thai troops into Cambodia when American forces withdraw, State Department officials acknowledged yesterday.

There is "no decision" so far about what "assistance or concurrence" the United States may provide in regard to "various proposals for Thai aid to Cambodia," said State Department press officer Carl E. Bartch.

One critical unstated reason why a decision is still hanging while Communist military action is intensifying in Cambodia is the Nixon administration's uncertainty about what will happen on the Senate floor, other official sources conceded.

Senate "doves" are determinedly holding to their opposition to U.S. payments for any "mercenaries" or "hired guns" in Cambodia, Sen. Frank Church (D-Idaho) emphasized yesterday. The explicit ban on mercenary pay is wrapped into the pending Church-Cooper amendment to limit U.S. military involvement in Cambodia.

Behind the scenes, the argument is sometimes called the "Hessian" issue, a term borrowed from the British use of Hessian mercenaries in the American revolution—a parallel which administration officials resent and deplore.

From Bangkok yesterday, it was reported that Thailand is considering shifting portions of its 11,000-man Thai Black Panther division from South Vietnam to Cambodia. The United States has no information to confirm plans for such a shift, said Bartch.

"It is up to the Thais to decide whether to send their troops into Cambodia or not," said Bartch, but "We would not want to see anything develop that could weaken the Vietnamization effort" in South Vietnam by any precipitate allied troop switches.

Despite reports from Cambodia yesterday of increasing concern there about road-cutting and encirclement of the capital of Phnom Penh by North Vietnamese and Vietcong troops, officials at the White House and State Department registered no mood of acute alarm.

DIVERSION SEEN

U.S. officials said they do not believe the Communist forces are now preparing an assault on Phnom Penh, or have the strength to do so. Instead, administration officials regard the Communist action more as limited harassment and diversion to try to undermine the government psychologically than as a move to overthrow it militarily.

Thai Prime Minister Thanom Kittikachorn announced on June 1 that his nation was prepared to send "volunteers" to Cambodia who will be "armed and equipped from aid supplied by the United States."

That announcement collided with greatly heightened Senate opposition to U.S. financing of allied troops in the Indochina war.

On June 7, a Senate Foreign Relations subcommittee disclosed that under a secret agreement the United States since 1967 had been paying Thailand $50 million a year for keeping its combat division in South Vietnam, plus other military benefits for Thailand.

As one consequence of this deal and alarm over "more Vietnams," and pending Church-Cooper amendment to the Foreign Military Sales Act bars any funds "to provide persons to engage in any combat activity in support of Cambodian forces . . ."

Administration officials contend that this provision would frustrate the objectives of the Nixon Doctrine which is intended to supply U.S. assistance to encourage Asians to fight Asian wars. A proposed administration-favored amendment by Sen. Robert P. Griffin (R–Mich.), the assistant Senate Republican leader, would modify the Church-Cooper amendment to permit funds to be paid to support non-American forces who come to Cambodia's aid.

Senate sources said Griffin is holding off pressing his amendment until he is assured of enough votes to challenge the Church-Cooper alignment.

Church said yesterday that "increasingly it's becoming clear that the Nixon Doctrine is a policy of Hessians Unlimited. The Nixon administration is interested in 'hired guns.'"

The Church-Cooper amendment gives the administration "a good bit of leeway" to provide "reasonable aid" to allies, said Church.

PIE ON GRAVY TRAIN

"It does not prevent us from arming or equipping or supplying a Thai or Lao force sent into Cambodia," said Church, "but it would prevent us from hiring them to fight . . . All the Thais would be required to do is to pay the forces . . . Otherwise, this thing becomes a gravy train for every govern-

ment out there who just waits for its slice of pie."

Church acknowledged, however, that even if the Church-Cooper amendment passes, there are roundabout ways the administration might devise to reimburse Thailand for troop costs in Cambodia. He said "our involvement is so immense, and our bureaucracy is so Byzantine, that there are ways to get around the law if they are determined to do so.

What is important, said Church, is to establish the principle that the United States should not operate abroad on a "hired guns" basis.

Administration sources countered that such terminology is "unfair and unwarranted." The same "vitriolic" tag could have been tied, these sources said, to U.S. financial support to allies in World War II or in the Korean war or to NATO allies in earlier years. Other complex factors besides financial support are involved in the current discussions over possible use of Thai troops in Cambodia, these sources said. But they acknowledged that the Church-Cooper bloc of votes is the largest barrier the administration is now facing in planning its future strategy concerning Cambodia.

[From the Arkansas Gazette, June 14, 1970]

UNITED STATES IN FAVOR OF THAI ROLE IN CAMBODIA

BANGKOK.—American officials here are cautiously optimistic about Thailand's decision to send volunteers to fight in neighboring Cambodia, but acknowledge they cannot foresee the long-range results of that policy.

"We feel that this kind of initiative is something to be encouraged," one of them said this week.

But another conceded Thailand's plan to send Thai volunteers of Cambodian descent across the border to fight contains elements of risk.

"We don't know, for example, what effect this might have on the Communist insurgency in Thailand," he said. "I suspect West Cambodia is sort of a target of opportunity for the Communists, but if they really have decided to take over Cambodia, a Thai reaction there could lead to a Communist reaction here."

On its face, the Thai proposal seems modest enough. It calls initially for training some 1,200 volunteers in jungle warfare for eight weeks and sending them to fight under the command of the Cambodian army in its effort to oust the Viet Cong and North Vietnamese. Thailand also says it will send military equipment to Cambodia.

The volunteers would be trained at bases where United States advisers are stationed, but American officials here insist "this is strictly a Thai operation and nothing special is being set up for them."

These officials do not believe that Thailand will be lured into a full-scale war on Cambodian soil. However, the Thais have been making noises about sending their 72,000-man Vietnam contingent to Cambodia if the situation worsens.

"They just don't have the luxury of that option," one said, explaining that Thailand does not have the military manpower to risk exposing its borders by marching en masse to the aid of the government of Premier Lon Nol, who ousted Prince Norodom Sihanouk as Cambodia's ruler in March.

American officials said Thailand would be in big trouble if the Cambodian capital of Phnom Penh fell to the Communists, but added that whether Thais should aid in its defense was a matter to be decided by Thailand and Cambodia.

Thailand's willingness to send volunteers to fight in Cambodia is a measure of the government's concern as the war moves closer to the Thai border.

The Thais were jubilant when Sihanouk was deposed March 18 as the Cambodian head of state.

But as the fighting moves westward toward the Thai border, apprehension is replacing jubilation.

Deputy Prime Minister Prapass Charusathiara, the powerful commander in chief of the Thai armed forces, has warned of the danger. He has revealed that "Vietnamese nationals" as well as Cambodian refugees have crossed the border into Thailand in recent days. Thai troops along the border have been placed on "full alert."

Prapass has warned that if Cambodia falls "Sihanouk would return to power under the dictates of Communist China" and the Thai capital would be within striking distance of Communist troops.

Prapass, who describes himself as a soldier rather than a politician, has called the Communist push in Cambodia "the biggest threat to Thailand's security in the past 50 years."

[From the New York Times, June 14, 1970]

THIEU ASSERTS UNITED STATES WILL NOT PULL OUT FOR "SEVERAL YEARS"

(By John L. Hess)

PARIS, June 13.—President Nguyen Van Thieu of South Vietnam predicted today that his forces would be engaged in a long war in Cambodia and that American troops would remain in his own country for "several years more."

In an interview published in Le Monde, the Paris newspaper, Mr. Thieu estimated that it would take four or five years for his Government to stabilize its economic and military situation. Meanwhile, he said, the United States must support the South Vietnamese war effort in Cambodia and take primary responsibility for blocking the Ho Chi Minh Trail in Laos.

The Lon Nol regime in Cambodia is "meeting difficulties," he said.

"It will be a long war," he said. "Vietnam has no intention of waging it in place of the Cambodians, but a more effective, more methodical, long-range aid must be considered for the Cambodian Government to be able to hold fast militarily, economically, socially."

The return to power of Price Norodom Sihanouk "or another Communist chief" would be so disastrous, Mr. Thieu said, that "we must help Cambodia as we must help ourselves." The Prince was ousted on a coup led by General Lo Nol.

"Above all, the burden falls upon the Americans," Mr. Thieu said. "I have often told them so. I think everybody is well enough informed. The Americans will surely take the wisest measures."

"The Ho Chi Minh Trail, like all the sanctuaries in eastern Laos, must be neutralized," he said. "But that exceeds our capacity. For years, the Americans have assumed the task."

[From the Baltimore Sun, June 14, 1970]

THIEU CALLS ON UNITED STATES TO MOVE INTO LAOS

(By Thomas T. Fenton)

PARIS, June 13—South Vietnamese President Nguyen Van Thieu today said South Vietnamese troops will be fighting in Cambodia for years. He called for long-term American aid to the Cambodian government and for intervention by American troops in Laos.

The burden of preventing the collapse of the Lon Nol government in Phnom Penh "above all falls on the Americans," Mr. Thieu said in an interview with the Saigon correspondent of the Paris daily, *Le Monde*.

"I've often told them this. I think everybody is well aware of this," Mr. Thieu added.

"NEW SACRIFICES"

The South Vietnamese president said it was essential to keep the new anti-Communist Cambodian government in power, and that the South Vietnamese were ready to make "new sacrifices" rather than see all of Cambodia become a "Communist sanctuary."

But there were tasks, he said, that the United States and Saigon "must take care of together—waging a more dynamic defense (of South Vietnam) beyond its frontiers. We must see to it that the Communists are no longer permitted to rebuild their sanctuaries."

During the hour-long interview, Mr. Thieu indicated he expected the South Vietnamese Army to remain in Cambodia for years, supported by American aid. "It will be a long war," he said.

"CANNOT STAND IDLE"

It was not Saigon's intention to extend the war to all of Cambodia, he said, "but the minute the Cambodian Army can no longer defend itself and the Communists exploit this weakness to invade the major cities and perhaps, later, even the capital, then we cannot stand by idle."

The goals outlined by Mr. Thieu are far in excess of those publicly set by the Nixon administration in the Cambodian venture—a short-term American ground engagement ending June 30, aimed only at destruction of Communist border sanctuaries and not at supporting the Lon Nol government.

"What is needed," Mr. Thieu said, "is a more efficient, more methodical and long-term aid" to the Cambodian government.

In the interview, Mr. Thieu set only one limit to new engagements by the South Vietnamese Army in Indochina. Intervening in Laos, he said, "is beyond our capabilities."

He indicated he hoped for intervention by American troops in Laos. "The Ho Chi Minh trail in Eastern Laos must be neutralized, just like the sanctuaries," he said, adding that Laos "has been an American responsibility for years."

[From the Washington Star, June 21, 1970]

THIEU TO ASK AID FOR ROLE IN CAMBODIA

(By Henry S. Bradsher)

SAIGON.—South Vietnam will ask its allies at a meeting here July 5 for extra money to pay for past and future military operations in Cambodia.

Money is urgently needed to cover the costs of keeping an average of 40,000 South Vietnamese soldiers in Cambodia for the last two months and for continuing to have troops there after the June 30 U.S. withdrawal, according to South Vietnamese sources.

President Nguyen Van Thieu this week will announce details of a plan to establish new military command lines for conducting fighting in Cambodia on a long-term basis. The sources, who are close to Thieu, said he is drafting a television speech on this.

PROTECT PHNOM PENH

In the short-term, South Vietnam has publicly pledged to protect Phnom Penh, which is under increasing Communist military pressure.

On the basis of this and other help, it is assumed here that the Lon Nol government will survive. But it is also assumed that the Communists will retain control of northeastern Cambodia, close to their old Vietnamese border sanctuaries.

So the South Vietnamese plan to raid into the northeast deep enough to fend off any new attacks on South Vietnam country mounted from there. The sources said this will be a continuing cross-border spoiling operation rather than an attempt to destroy new Communist stockpiles as far into Cambodia as, for instance, Kratie.

The sources said they even foresee the possibility of South Vietnamese raids into southern Laos to prevent attacks on the northern part of South Vietnam across that border.

DEFICIT SPENDING

This extension of South Vietnamese operations beyond the country's borders is costing extra money at a time when the country is suffering from inflation caused at least in part by government deficit spending.

When it began striking into Cambodia two months ago, South Vietnam did not worry about cost. It still feels that is unimportant because of the benefits of destroying Communist sanctuaries.

Officials here are confident that Cambodian operations have decisively set them on the road to military victory. There is little of the caution of the Nixon administration in claiming only that time has been bought for vietnamization—turning the American war effort over to the South Vietnamese.

And there is almost none of the skepticism voiced in Washington to the effect that Cambodia is being lost without South Vietnam being won.

Allies with troops in South Vietnam will hold their annual foreign ministers' meeting in Saigon July 5. They are Australia, New Zealand, South Korea, Thailand and the United States, plus South Vietnam itself.

The sources said South Vietnam will appeal to these allies for money to cover the extra expenses of Cambodia.

Since South Korea and Thailand are themselves aided by the United States, and Australia and New Zealand make only small contributions to the war effort, the request is going to fall mainly upon the United States.

How much money is involved remains unclear. The sources close to President Thieu implied the government does not yet know.

Spokesmen for both the South Vietnamese armed forces and the U.S. Military Command were unable or unwilling to comment on costs of South Vietnamese operations in Cambodia.

A Vietnamese officer said some expenses were the same as fighting in South Vietnam, but extra money is required for local needs in Cambodia.

42 CENTS A DAY

The officer cited plans, which he said are still unimplemented, to provide the equivalent of 50 South Vietnamese piastres (42 U.S. cents at the legal rate of exchange) a day to buy fruit, vegetables and other supplies for each South Vietnamese soldier in Cambodia.

The extent of South Vietnamese training and equipping of Cambodia troops is also a major unknown factor.

American diplomats familiar with South Vietnamese financing lacked an estimate of Cambodian costs. They said they have not heard of an impending South Vietnamese request for extra money.

The July 5 meeting will follow a July 2–3 meeting in Manila of the Southeast Asian Treaty Organization.

South Vietnamese sources said they expect Thailand to make public in Manila the fact that its regular army troops will be fighting in Cambodia. So far, none of these regulars have arrived in Cambodia, the sources said, but preparations are being made to move them in.

Thailand signed the Jakarta communique of Asian nations last month opposing foreign troops in Cambodia and urging a new international effort to bring peace there.

This has made it awkward for Thailand to send troops to fight in Cambodia, even though Bangkok considers such operations to be advance defense of its own endangered borders. Soviet rejection last week of international efforts, however, insured that none will be effective and so eased Thailand's discomfort a bit.

Thieu foreshadowed the changes in military command lines in an Armed Forces Day message read for him Thursday. He is indisposed with back trouble.

Beginning July 1, the message said, Thieu will "reorganize the military system and territorial areas . . ."

Sources close to him said border areas will be separated from the South Vietnamese interior. The existing system of four corps areas running inland from the South China Sea to the borders of Cambodia and Laos will be changed to establish distinct border commands.

GREATER FLEXIBILITY

This will be intended to provide greater flexibility for striking into Cambodia and for concentrating forces to block any attempted Communist strikes from Cambodia.

Thieu's message also said there will be "a special drive for pacification and rural development for the second half of 1970 in order to achieve security and promote collective development . . ."

The sources indicated Thieu is undismayed by the fact that Communist terrorism in South Vietnam has increased since the Cambodian operations began.

In the most recent week for which figures are available, ending June 10, terrorists killed 300 civilians and kidnaped 428 for the third-highest weekly toll since the 1968 Tet offensive.

The sources pictured this as a sign that the big Communist military units inside South Vietnam have been weakened since the Cambodian operations began and so are having to resort to small, separate terrorist measures.

But Thieu reportedly continues to be concerned about the possibility of major Communist attacks from Laos into northern South Vietnam. The Laos sanctuaries remain undisturbed.

Mr. SCOTT subsequently said: Mr. President, I have heard so many references to mercenaries by those who are opposed to the Griffin amendment.

The Griffin amendment simply permits Asians to help Asians and clarifies the fact that there should be no legislative amendment to an Executive doctrine, the Guam doctrine.

The Griffin amendment, after all, is in keeping with our desire to remove the American presence as soon as may be possible from Southeast Asia. We cannot remove the Asian presence from Southeast Asia. They will be there after we have gone.

They have a right to defend themselves. They have a right to concerted action among themselves as to how they will defend themselves.

We engage here in a lot of semantics. The current semantic phrase is mercenaries. I want to say this about the so-called mercenaries: In World War II when the Poles went to Scotland and then into Western Europe for the liberation of Western Europe; were they mercenaries?

When the Free French returned to the land of their birth, were they mercenaries? When Eisenhower took the armed forces of our allies into Normandy, was that an invasion, or was that an act meeting with the approval of the free peoples of that territory?

When the United Nations decided to repel aggression in Korea, the Turkish forces went there. No one called the Turks mercenaries, even though the other word for mercenaries, "Janizaries," originates from the Turkish language.

When the British troops went to Korea, no one called them mercenaries.

Why do we call Asians who want to help other Asians mercenaries?

That is not good enough.

This is a good amendment. It would clarify the bill. It would make the Cooper-Church amendment a great deal more palatable to some supporters, but above everything else, why do we indulge in phrases like mercenaries when, in all due sincerity, I do not think we mean what we say.

What we are saying is that we do not want Asians to help Asians. And if we do not let Asians help Asians, we will leave the Americans on the hook, stuck there indefinitely, to help the Asians.

We have a choice. We cannot have it both ways. And I would rather have the Griffin amendment.

Mr. COOPER. Mr. President, our amendment does not prohibit the use of other nationals in Cambodia. It says, "If you want to use them, pay for them."

There is no prohibition in the amendment against the use of other nationals without the advance approval of the United States.

Mr. SCOTT. Mr. President, as I understand the amendment, without the Griffin amendment, it would not be possible for the United States to conduct its aid to Thailand if the Thais were to assist the Cambodians.

There is no American in Cambodia tonight. And that is good. I hope it is never necessary for us to go back. But I still think we ought not to tie the hands of the Thais now or in the future if the Thai government, a sovereign nation, wishes to go to the aid of the Cambodians. It is a neutral country.

I do thank the distinguished Senator from Kentucky.

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 has affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

H.R. 12941. An act to authorize the release of 4,180,000 pounds of cadmium from the national stockpile and the supplemental stockpile;

H.R. 15021. An act to authorize the release of 40,200,000 pounds of cobalt from the national stockpile and the supplemental stockpile;

H.R. 15831. An act to authorize the disposal of bismuth from the national stockpile and the supplemental stockpile;

H.R. 15832. An act to authorize the disposal of castor oil from the national stockpile;

H.R. 15833. An act to authorize the disposal of acid grade fluorspar from the national stockpile and the supplemental stockpile;

H.R. 15835. An act to authorize the disposal of magnesium from the national stockpile;

H.R. 15836. An act to authorize the disposal of type A, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15837. An act to authorize the disposal of type B, chemical grade manganese ore from the national stockpile and the supplemental stockpile;

H.R. 15838. An act to authorize the disposal of shellac from the national stockpile;

H.R. 15839. An act to authorize the disposal of tungsten from the national stockpile and the supplemental stockpile;

H.R. 15998. An act to authorize the disposal of Surinam-type metallurgical grade

bauxite from the national stockpile and the supplemental stockpile;

H.R. 16289. An act to authorize the disposal of natural Ceylon amorphous lump graphite from the national stockpile and the supplemental stockpile;

H.R. 16290. An act to authorize the disposal of refractory grade chromite from the national stockpile and the supplemental stockpile;

H.R. 16291. An act to authorize the disposal of chrysotile asbestos from the national stockpile and the supplemental stockpile;

H.R. 16292. An act to authorize the disposal of corundum from the national stockpile;

H.R. 16295. An act to authorize the disposal of natural battery grade manganese ore from the national stockpile and the supplemental stockpile; and

H.R. 16297. An act to authorize the disposal of molybdenum from the national stockpile.

RESOLUTION EXTENDING SYMPATHY TO THE PRESIDENT AND THE PEOPLE OF PERU

Mr. SCOTT. Mr. President, I send to the desk a resolution and ask that the clerk report it. It is to extend deepest sympathy to the President and the people of Peru. In a few minutes I will ask for its immediate consideration. The majority leader has been advised of it.

The PRESIDING OFFICER. The clerk will report the resolution.

The assistant legislative clerk read the resolution, as follows:

S. RES. 424

Whereas the people of our sister Republic, Peru, suffered a devastating blow as the result of an earthquake on May 31, 1970; and

Whereas the earthquake caused the loss of thousands of lives and the destruction or devastation of many towns and villages, rendering homeless and destitute many thousand of people; and

Whereas the people and Government of the United States have opened their hearts and material resources to the needs of the people of Peru in their tragic hour of bereavement and suffering; and

Whereas the universities and institutions of higher learning of Peru, and many other dedicated organizations and persons, are playing an important part in meeting the reconstruction needs of that country through the full utilization of the technical skills which they have developed and through these services are demonstrating how the people of a nation can rise to noble heights in service to their country; Therefore, be it

Resolved, That the Senate extend its deepest sympathy to the President and the people of Peru in this dark hour of their suffering and distress.

SEC. 2. It is the sense of the Senate that the universities and institutions of higher learning of Peru and their students and all others who contributed to this great cause in the name of humanity should be commended for their leadership in helping in the reconstruction of the devastated areas and in resettlement relief.

SEC. 3. It is further the sense of the Senate that attention be directed in all appropriate Executive agencies to the needs of the country and the special role and requirements of the universities and other organizations of Peru in rebuilding their country.

SEC. 4. Copies of the present resolution shall be distributed through appropriate channels to the President of Peru and to the heads of the universities of Peru, and to the heads of other participating organizations.

The PRESIDING OFFICER. Does the Senator wish to proceed to the consideration of the resolution at this time?

Mr. SCOTT. Yes. I ask unanimous consent that the resolution be considered at this time.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. 424) was considered and unanimously agreed to.

EXTENSION OF THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965

Mr. BYRD of West Virginia. Mr. President, it is my understanding that H.R. 15712, an act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV, through fiscal year 1971, has been cleared on both sides of the aisle. I therefore ask unanimous consent that the pending business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 988.

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

The LEGISLATIVE CLERK. A bill (H.R. 15712) to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for title I through IV, through fiscal year 1971.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MONTOYA. Mr. President, the Committee on Public Works last Friday unanimously ordered reported to the Senate H.R. 15712, extending titles I through IV of the Public Works and Economic Development Act of 1965 for 1 year, until June 30, 1971, and also establishing a 1-year moratorium on designation of counties presently qualified as redevelopment areas.

The purpose of this legislation is to continue the authorities under which the Economic Development Administration, in cooperation with the States, provides Federal grants, loans and technical assistance to communities suffering from excessive unemployment or underemployment. The emphasis is on long-range planning and programing for economic growth in lagging areas of the country. Grants and loans are provided for basic public works, such as water and sewage systems essential for industrial plants, loans to businesses to develop new job opportunities, and technical assistance to help local communities, mostly rural counties to help themselves develop their economies.

These programs, Mr. President, are on the whole working well and are generally very popular in the some 900 areas where they are operating. Yet, as with any program that has been in existence 5 years, there is need for reevaluation, modification, and improvement.

The committee is strongly of the opinion that the entire Public Works and Economic Development Act must undergo revision. As I said at the opening of the hearing held June 24 before our Subcommittee on Economic Development:

The Congress last year extended Titles I through IV for only one year. In April last year we were informed that a full review of the Economic Development program could not be completed by the 1969 expiration date. Thus, more than one year has passed and the Subcommittee has still not received a report on what changes and improvements the Administration plans to propose. We are, therefore, constrained to proceed with another one-year extension.

Long before the next expiration date, June 30, 1971, the Subcommittee expects that the Administration will have submitted its recommendations for modification, revision, and improvement of the Economic Development Administration's whole program.

One of the most important revisions that must be undertaken is in the statistical data that are used to determine the eligibility of counties to qualify as redevelopment areas. In late May the Economic Development Administration notified 96 counties in 32 States that as of June 30 this year they would be de-designated and cease to receive the benefits of programs under the act.

The subcommittee was told that much of the data necessary to determine an area's eligibility is out of date. The major criterion is the rate of unemployment. Yet the EDA has determined this year's eligibility on the basis of last year's unemployment figures at a time when unemployment is increasing at the fastest rate in 10 years.

This deficiency is worsened by using inaccurate population figures for the counties. EDA is still relying mainly on census data from 1960 to calculate the size of the labor force. This skews the unemployment statistics downward for any county which has lost population in the last decade, which is the case in numerous rural redevelopment areas. Hence, joining unrealistically low figures for the jobless with unrealistically high figures of the size of the labor force leads to a grave underestimation of the actual rate of unemployment.

An additional factor, it was pointed out, is that the procedures for collecting unemployment data were developed 10 years ago for use in major labor areas and are thus inaccurate in small rural areas. EDA, which serves mainly these small rural areas, greatly needs procedures that take into account the special economic and employment circumstances of rural counties.

In view of the testimony submitted concerning the inadequate and outdated statistics on which redesignation of a county is currently based, the committee is firmly convinced that the House-approved amendment to the bill should be enacted into law. The amendment is similar to the language of Senate Joint Resolution 210 introduced by the able Senator from Minnesota, the Honorable WALTER F. MONDALE, with the cosponsorship of 23 other Senators, including myself.

The committee also gave consideration to S. 3798, which I introduced, to provide not only for a 1-year extension of titles I through IV but also for adding loan and lease guarantees to the loan provi-

sions of title II and expanding the designation criteria under subsection 401(a), of title IV to include areas suffering severe economic loss due to the closing, removal or curtailment, regardless of cause, of the activities of a major employer in the area.

Before the committee also was the administration's bill S. 3744, introduced by our distinguished colleague from Kentucky, the Honorable JOHN SHERMAN COOPER, which proposed a simple 1-year extension of the first four titles of the act.

Another matter to which the committee gave consideration was raised by a bill, S. 3982, also introduced by Senator MONDALE, which would prohibit the Secretary of Commerce from terminating before June 1, 1971, the operations, or changing the location of any EDA regional or area office in existence on June 1 of this year. His particular concern was with the threatened transfer of the EDA office in Duluth, Minn., to Chicago, Ill., which he stated, would work serious harm on the economically depressed areas and Indian reservations within the radius of 200 miles around Duluth.

The committee report has this to say in this regard:

Pending receipt of the administration's recommendations and the outcome of its own analysis, evaluation, and review of all the provisions of the act, the committee believes that there should be a minimum of organizational changes in the Economic Development Administration and its subordinate offices.

Another proposal before the Committee was submitted by the able Senator from Nebraska, the Honorable CARL CURTIS, in S. 3915. He urged adding a new criterion for designating a redevelopment area to take account of "a substantial loss of population." As the report states, the subcommittee agreed to give careful consideration to this proposal during its study and evaluation of the act next year.

Mr. President, in the interest of expediting action to extend the life of the Economic Development Administration for 1 year beyond June 30 of this year, the committee declined to accept any of the amendments proposed in the Senate bills before it and agreed to approve only the House-passed bill, H.R. 15712, containing the amendment approved during House debate to establish a 1-year moratorium of the de-designation of counties presently qualified as redevelopment areas.

I wish to express my appreciation of the fine cooperation we have received from our beloved chairman of the full committee, Senator JENNINGS RANDOLPH; the ranking minority member of the committee, Senator COOPER; and the ranking minority member of the Subcommittee on Economic Development, my friend, Senator HOWARD BAKER, of Tennessee. They have all been most gracious and helpful.

I want also to mention the contribution of the Senior Senator from Oklahoma, the Honorable FRED HARRIS, who, on his own, held a hearing in Oklahoma concerning the threatened de-designation of five counties in his State. The persuasive testimony he received has been incorporated in the hearing record on this bill.

Mr. President, the amounts authorized by the pending measure to be appropriated through fiscal 1971 are as follows:

Title I, section 105, $500 million.
Title II, section 101(c), $170 million.
Title III, section 302, $50 miliion.
Title IV, section 403(g), $50 million.

Mrs. President, I ask unanimous consent that a description of the EDA programs authorized in this bill be printed in the RECORD at this point.

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

DESCRIPTION OF EDA PROGRAMS

TITLE I—GRANTS FOR PUBLIC WORKS AND DEVELOPMENT FACILITIES

In an effort to help lagging areas, the Public Works and Economic Development Act of 1965 authorizes a grant-and-loan program for public works and development facilities needed to create a climate conducive to the development and operation of private enterprise. This title provides for direct grants up to 50 percent and supplementary grants up to a maximum Federal participation of 80 percent for public works and development facility projects, except in the case of grants to Indian tribes where the Secretary may reduce or entirely waive the required non-Federal share. It authorizes the designation of areas as eligible for grants under this title if the Secretary of Labor finds that there have been areas for substantial unemployment for the preceding calendar year and establishes a 15-percent limitation on the amount of total authorization that may be expended in any one State.

Since EDA was brought into existence on September 1, 1965, a total of 1,753 public works projects have been approved as of May 8, 1970. Construction has been completed on 742 of these projects. Currently, there were approximately 510 projects under construction while the balance are in the preconstruction stage. These statistics are most significant as showing the scope of potential commercial and industrial development in heretofore relative to underdeveloped areas in which EDA is playing a critical role.

This title presently authorizes an appropriation of $500 million annually until June 30, 1970, for direct and supplementary grants. The bill would extend this authorization for 1 additional year.

TITLE II—OTHER FINANCIAL ASSISTANCE

This title authorizes loans up to 100 percent of project cost to assist in financing public works and development facilities and authorizes business development loans up to 65 percent for the purchase or development of land and facilities within redevelopment areas. Working capital guarantees are authorized up to 90 percent of private working capital loans made in connection with direct loan projects. Assistance may be provided only where funds are not otherwise available and there must be a reasonable expectation of repayment. The projects must be consistent with the overall plans for the economic development of the area.

The EDA business development loan and guarantee program is enlisting the resources and support of the private sector by stimulating the industrial, commercial, and financial community to locate investments in disadvantaged areas. New permanent employment and higher levels of personal income have resulted directly from this imaginative effort in Federal-private sector cooperation. Through May 8, 1970, the EDA Office of Business Development has approved 245 loans for a total obligation of $210,738,000 since the passage of the act in August 1965. Also, during this period EDA has guaranteed 55 working capital loans made by private lending institutions totaling $24,080,000. EDA's business loan activity in fiscal year 1969 alone may provide more than 9,800 full-time jobs.

There is an annual authorization limitation of $170 million until June 30, 1970, for the implementation of this title. The bill would extend this authorization for 1 additional year.

TITLE III—TECHNICAL ASSISTANCE RESEARCH AND INFORMATION

The technical assistance and research program authorized by title III of the Public Works and Economic Development Act of 1965 is an effective means of giving motivation and support to institutions and groups instrumental in fostering the economic development process, as well as providing preliminary feasibility studies and planning assistance to more adequately assure the success of programs and projects.

This title authorizes the Secretary to provide technical assistance including operation assistance for individual projects and planning assistance for both projects and areas. Repayment of assistance under this provision may be required at the discretion of the Secretary. In addition, the title authorizes grants-in-aid of up to 75 percent of the cost of planning and administrative expenses to appropriate public and private nonprofit State, area, and local organizations. In addition, the research program enables the Department to formulate and evaluate its policies and to establish long-term goals and priorities.

An amendment was added to the legislation last year which authorizes the Secretary to make grants, enter into contracts, or otherwise provide funds for demonstration projects in redevelopment areas if such projects will foster the regional productivity, prevent outmigration and otherwise carry out the purposes of the act.

The authority of this title is providing a flexible tool to supplement private and public initiative with expert assistance on a local area and district level for the purpose of achieving lasting economic improvement. Through May 8, 1970, EDA had approved an aggregate of 929 technical assistance projects at a total cost of $47,087,000 and 336 district and area planning grants for a total obligation of $15,708,000.

This title presently authorizes an appropriation of $50 million for the fiscal year ending June 30, 1970. The bill would extend this authorization for 1 additional year.

TITLE IV—AREA AND DISTRICT ELIGIBILITY

This title establishes the standards for the designation of "redevelopment areas" on the basis of unemployment and low family income and insures that every State will have at least one "redevelopment area".

In addition, this title also provides for the designation of multicounty economic development districts containing two or more redevelopment areas and at least one growth center and authorizes 10 percent additional funds for projects in redevelopment areas located within designated districts.

The public works and development facility grants and loans, business loans and working capital guarantees to be provided to economic development centers are authorized in section 403. An economic development center must have a population not exceeding 250,000 persons and must be geographically and economically related to the economic development district so that it may contribute significantly to the alleviation of poverty in depressed areas. The purpose of this program is to develop new industrial and commercial centers in such areas.

The appropriation authorization of $50 million for his program expires June 30, 1970. The bill would extend this authorization for 1 additional year.

The PRESIDING OFFICER. The bill is open to amendment. If there be no

amendment to be proposed, the question is on the third reading of the bill.

The bill was ordered to a third reading, and was read the third time.

Mr. SCOTT. Mr. President, has the Senator cleared this with the Senator from Nebraska (Mr. CURTIS)?

Mr. MONTOYA. We have tried to call him.

Mr. SCOTT. If the Senator will withhold final action for a moment or two, Senator Curtis will be here.

Mr. CURTIS. Mr. President, I am very much disappointed that the committee has seen fit to advance this bill without any amendments whatever.

I should like to ask the distinguished Senator in charge of the bill if this was because they felt there was no improvement that could be made under existing law?

Mr. MONTOYA. In answer to the question directed at me by my good friend from Nebraska, I might say that the committee was sympathetic to the bill presented by the Senator from Nebraska proposing to add a new criterion for the establishment of a new redevelopment area. However, we were facing a little difficulty in trying to get the bill through at the last minute. In view of the time element and in view of the insistence on the part of the House that it wanted a simple extension with only the House amendment with respect to de-designating that is in the bill at the present time, the Committee declined all amendments. I can assure the distinguished Senator from Nebraska that we will go into thorough hearings during the next year and his bill will receive thorough consideration. I am sure that the Senator from Nebraska realizes that there is great sympathy in the committee for the objective he is trying to realize through his bill. We will give it thorough consideration.

Mr. CURTIS. What disturbs me is that this goes over an entire year, apparently. Now we have the vehicle to extend the program and I do not believe that we can shut our eyes to all its defects and just say that in another year we might have some sympathy for some problem.

Mr. MONTOYA. I have great sympathy with the problem that the distinguished Senator from Nebraska is trying to attack. I invite his attention to section 301(f). I believe that administrative authority exists for the establishment of demonstration projects when there is a loss of population. The Administrator of EDA can offer some kind of remedy through his administrative authority under this particular section. However, new criterion which the Senator is trying to establish is, in my opinion, a worthwhile addition. I can assure him that I will give it due consideration during the course of the hearings we intend to have during this next year.

Mr. CURTIS. Now, are we to understand that they will be after this 1-year extension expires? What is the plan of the committee?

Mr. MONTOYA. It will be during the course of the next fiscal year which begins July 1.

Mr. CURTIS. So that we are not going to wait for a year to hear these——

Mr. MONTOYA. We are not going to wait for a year, that is correct.

Mr. CURTIS. As I gathered from the report, this is the administration's request. It wanted the authority extended without amendment; is that right?

Mr. MONTOYA. Yes. The administration asked us not to add any more amendments to the bill.

Mr. CURTIS. Did they give any reason?

Mr. MONTOYA. They just wanted a simple extension because they had some new reports they had to submit to the committee which might require some new revisions in the particular legislation during the course of the next fiscal year and they asked us to wait. They yielded to us on the inhibition which we have in its particular legislation against de-designating areas as they had intended to de-designate.

Mr. CURTIS. Will the Senator explain that a little bit.

Mr. MONTOYA. There were 96 counties which the EDA was going to de-designate from eligibility for EDA programs. We placed an amendment in the extension which would prevent EDA from doing that during the course of the next fiscal year. In our review we will go into this particular matter.

Mr. CURTIS. Does that mean that the legislative branch will designate and de-designate?

Mr. MONTOYA. No, it does not. We revert back to the provisions of the act itself which gives recommending power and the Secretary makes the final decision.

Mr. CURTIS. In this case, Congress made the decision.

Mr. MONTOYA. Congress made the decision in the law to prevent the Secretary from de-designating these particular areas or counties.

Mr. CURTIS. Where are the 96 counties located?

Mr. MONTOYA. All over the country, in 32 States.

Mr. CURTIS. Mr. President, I must say that I do not believe the Senate is doing itself any particular good or raising its standing as a legislative body by waiting until after 6 o'clock on the 29th day of June with something which expires on June 30.

At the same time, I can understand the futility of pressing for this particular amendment. I do hope that the committee will assert its power to legislate and not wait just another year because we may be faced with the exact situation in another year.

Mr. COOPER. Mr. President, the measure before the Senate, H.R. 15712, would make a simple 1-year extension of titles I through IV of the Public Works and Economic Development Act of 1965, as amended. These titles provide grants and loans for public works and development facilities in depressed or economically lagging areas of the Nation. In addition, titles III and IV, are the provisions which govern programs of technical assistance to such areas by the Economic Development Administration, and the criteria for designation of areas eligible for assistance under the act. Without the favorable action of the Senate on this legislation, the authorizing language will expire, and the worthwhile effort of the EDA with it, on June 30.

As a member of the Public Works Committee, I am always pleased to see the work of the Economic Development Administration and its program go forward, for the legislation has been developed by this committee and its House of Representatives counterpart. I feel particularly close to this legislation, for its roots are deep in the Appalachian Regional Commission—that experiment in Federal, State, and local governmental cooperation which has produced such outstanding results in parts of my State of Kentucky, and throughout the Appalachian Mountain region.

The Public Works and Economic Development Act underwent extensive amendment last year and the Commerce Department is currently, I am told, restudying the entire program with an eye to substantial modification and improvement next year. This act, H.R. 15712, would make possible the continuity of the program through this year, and all titles would expire at the same time next year—June 30, 1971. I know that the Committee on Public Works looks forward to reviewing the entire program in the coming year.

This act before us, additionally, provides for a moratorium on the de-designation process, currently required by the Public Works and Economic Development Act's criteria for area eligibility. The Economic Development Administration makes an annual review of each area designated under the act, at the end of each fiscal year. They base their review primarily on unemployment statistics from the preceding year. Based on these statistics, this year some 96 counties in 31 States will lose eligibility under the act. The House of Representatives and the Public Works Committee of the Senate have made a judgment that the nationwide escalation in unemployment statistics—May's figure was 5 percent nationwide—merits a holding action for these areas which have experienced chronic unemployment in the past, despite the fact that they have recently exceeded the guidelines of the agency for designation. Senator MONDALE was joined by 16 other Senators when he introduced Senate Joint Resolution 210, to achieve a moratorium on de-designation of these counties. Additional Senators joined him after the introduction of his resolution, and the Public Works Committee agreed with his purpose. The Houes of Representatives' similar provision extended the period of moratorium from May 1, 1970, to June 1, 1971, while the period of time specified by Senate Joint Resolution 210 was from June 1, 1970, to June 1, 1971.

Mr. President, I urge my colleagues to support the Economic Development Administration and its programs through extension of its authorizing language through June 30, 1971.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill having been read the third time, the question is, Shall the bill pass?

The bill was passed.

Mr. MONTOYA. Mr. President, I move

that the vote by which the bill was passed be reconsidered.

Mr. RANDOLPH. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MONTOYA. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–984), explaining the purposes of the measure.

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

PURPOSE OF THE BILL

The purpose of this bill is to amend the Public Works and Economic Development Act of 1965, as amended, to extend the authorization of funds for titles I through IV through fiscal year 1971. The amounts currently authorized to be annually appropriated through fiscal year 1970 are as follows:

(a) Title I, section 105, $500 million.
(b) Title II, section 101(c), $170 million.
(c) Title III, section 302, $50 million.
(d) Title IV, section 403(g), $50 million.

Title V appropriation authorizations relating to regional economic development currently expire on June 30, 1971.

This bill provides for an extension of the present authorized amounts to those titles in the act that expire this year in order to continue the authority to operate through June 30, 1971. As amended during debate in the House, it also establishes a 1-year moratorium on de-designation of any county presently designated as a redevelopment area.

BACKGROUND OF THE ACT

The Public Works and Economic Development Act (Public Law 89–136) became law on August 26, 1965. It is an outgrowth of prior economic development legislation such as the Public Works Acceleration Act and the Area Redevelopment Act. They were the forerunners in developing solutions to unemployment and underemployment in the lesser developed areas of our Nation.

The purpose of this act is to provide Federal help, in cooperation with the States, to assist communities, areas, and regions in the United States which are suffering from excessive unemployment or underemployment by providing financial and technical assistance needed for the creating of new jobs. Its emphasis is on long-range planning and programing for economic development with the objective of enhancing the domestic prosperity by the establishment of stable and diversified local economies. This is accomplished by developing and expanding new and existing public works, providing loans for businesses, and technical assistance necessary to create directly or indirectly new opportunities for long-term employment and economic growth.

COMMITTEE ACTION

In the interest of expediting action on legislation to extend titles I through IV of the act, the committee declined to accept any of the amendments proposed in the several pending Senate bills and agreed to approve only the House-passed bill, H.R. 15712, which includes an amendment establishing a 1-year moratorium on the de-designation of presently qualified redevelopment areas.

In view of the testimony submitted concerning the inadequate and outdated statistics on which de-designation of a county is currently based, the committee is firmly convinced that the House-approved amendment to the bill should be enacted into law.

The committee is strongly of the opinion that the entire Public Works and Economic Development Act is in need of revision. As the subcommittee chairman, Senator Montoya, observed at the opening of the hearing:

"The Congress last year extended titles I through IV for only 1 year. In April last year we were informed that a full review of the economic development program could not be completed by the 1969 expiration date. Thus, more than 1 year has passed and the subcommittee has still not received a report on what changes and improvements the administration plans to propose. We are, therefore, constrained to proceed with another 1-year extension.

"Long before the next expiration date, June 30, 1971, the subcommittee expects that the administration will have submitted its recommendations for modification, revision, and improvement of the Economic Development Administration's whole program."

Pending receipt of the administration's recommendations and the outcome of its own analysis, evaluation, and review of all the provisions of the act, the committee believes that there should be a minimum of organizational changes in the Economic Development Administration and its subordinate offices.

COMMITTEE RECOMMENDATIONS

The committee recommends the enactment of this legislation. Evidence received by the committee during the hearings indicates the necessity for the continuance of the programs administered by the Economic Development Administration and for this reason the committee reported this legislation favorably and trusts it will be enacted into law. However, the committee will continue its extensive evaluation of the Public Works and Economic Development Act looking toward the possibility of substantive amendments to the Act in the near future.

SENATOR RANDOLPH STRESSES VALUE OF ECONOMIC DEVELOPMENT EXTENSION

Mr. RANDOLPH subsequently said: Mr. President, today, the Senate has approved H.R. 15712, which extends for 1 year the authorizations for the Economic Development Administration. This agency, created by the Public Works and Economic Development Act of 1965, has helped provide needed public facilities to many of our citizens living in areas which have been bypassed by the great surge of economic development which our country has experienced in the past 25 years. In simple terms, to many underdeveloped communities it has meant running water, sewage facilities, schools, hospital, and new job opportunities.

This legislation, which will now be sent to the President, provides for 1 more year of operation by the Economic Development Administration. During this year, it is our hope that the administration will thoroughly review the mission and operation of the Public Works and Economic Development Act so that next year they can join the Congress in an in-depth review of its function. Senator MONTOYA, chairman of the Economic Development Subcommittee, held hearings on this measure, and brought forth valuable documentation on the program.

We must, I believe, prepare for a significant modification of our efforts in the field of economic revitalization, drawing from the lessons we have learned in the past 5 years of the operation of the Economic Development Administration, the title V Regional Development Commissions, and the Appalachian Regional Commission.

This bill, H.R. 15712, which we passed today, will give us the time we need to carefully chart any new course which the evidence indicates is desirable, while at the same time insuring to the people of the hundreds of affected communities the continued assistance in achieving a better standard of living.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1519) to establish a National Commission on Libraries and Information Science, and for other purposes.

THE POSTAL REORGANIZATION ACT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 913, S. 3842.

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

The LEGISLATIVE CLERK. S. 3842 a bill to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. BELLMON. Mr. President, I send to the desk an amendment to S. 3842. This is the text of H.R. 17070 as that measure was passed by the House of Representatives, and I ask for its immediate consideration.

The PRESIDING OFFICER (Mr. GOLDWATER). The clerk will state the amendment, which without objection will be stated without being printed, since it is the same as the House-passed language of H.R. 17070.

The LEGISLATIVE CLERK. The Senator from Oklahoma (Mr. BELLMON) proposes an amendment to strike out all after the enacting clause of S. 3842 and insert in lieu thereof the text of H.R. 17070, as passed by the House of Representatives.

Mr. BELLMON. Mr. President, as a member of the Post Office and Civil Service Committee, I have greatly admired the work of the committee and staff and the efforts put forth by the distinguished chairman and the ranking minority member.

I participated in the lengthy discussions which have gone into S. 3842. I am very proud of most of the features of this legislation.

In studying S. 3842 and also H.R. 17070, I find that most of the desirable features of S. 3842 are incorporated in the House language under bill H.R. 17070.

In my opinion the Senate can now save a great deal of time if it agrees to accept this language and avoid the lengthy delays of a conference committee.

There are some deficiencies in the Senate bill that the House bill corrects. I would like to call them to the attention of the Senate.

Perhaps the most serious deficiency of the committee bill is its retention of a permanent subsidy of the mail users, without regard for their need of such a subsidy. The committee bill would retain as a permanent feature of the operation of the Postal Service the need for an annual appropriation from the general tax revenues of roughly 10 percent of the costs of the Postal Service. In contrast the substitute would clearly state the obligation of the Postal Service to become self-sustaining by 1978. Provision would be made for interim appropriations to permit an orderly transition, but for the long run the costs of the postal system would be borne, as they should be, by the mail users.

Much has been said, here and elsewhere, about the need to support certain types of services, mailings by charitable organizations, operations of rural post offices and mail routes. I agree with all of this, but it is perfectly evident to me that a large and continuing annual subsidy for the postal service is not the way to meet these needs. To meet the costs of maintaining a nationwide mail system we need, not a subsidy but competent, flexible management and rates which appropriately cover the costs of the system. For those classes of users who should not be required to pay their appropriate share of these costs we should have, not a general indiscriminate subsidy but a mechanism to permit lower rates for those classes as determined by Congress and annual appropriations of the amounts needed to make up the revenues lost by allowing those lower rates. It is noteworthy that the substitute would create such a mechanism, while the committee bill, although providing a continuing general subsidy would phase out over a period of 10 years the free and reduced rate mail categories that Congress has established. I submit that in doing so the committee bill has its priorities reversed.

The difficulties caused by a continuing general subsidy which over the next 10 years could involve an amount in excess of $11 billion, are many. First, it places a large and unnecessary drain on the taxpayer and diverts tax moneys from more urgently needed purposes. Second, it gives a subsidy to the mail user, indiscriminately, whether or not it is justified.

Mr. CURTIS. Mr. President, would the distinguished Senator yield for a question?

Mr. BELLMON. I yield to the Senator from Nebraska.

Mr. CURTIS. Mr. President, the Senator is offering the House bill as a substitute for the Senate bill.

Mr. BELLMON. The Senator is correct.

Mr. CURTIS. Mr. President, I would like to inquire concerning the House bill and the Senate bill in reference to this item.

Is this new corporation authorized to issue bonds and, if so, how much, and what will the money be used for?

Mr. BELLMON. Mr. President, both bills, the House bill and the Senate bill, authorize a new corporation, with an authorization of up to $10 million in bonds for improving facilities of the postal system.

Mr. CURTIS. Mr. President, can the distinguished Senator tell me whether or not those bonds are guaranteed by the U.S. Treasury?

Mr. BELLMON. I am informed such a guarantee would be at the discretion of the Treasury.

Mr. CURTIS. Are both bills alike concerning the obligation of the Treasury to pay the cost of carrying these bonds?

Mr. BELLMON. The Senate version, I understand, would cause Congress to appropriate annually an amount of 10 percent of the cost of the debt service of the postal system. The House provision does not include that provision.

Mr. CURTIS. Mr. President, will the Senator yield further?

Mr. BELLMON. I yield.

Mr. CURTIS. That is a point that interests me. Over the years there has been much talk about postal reform and there has been talk about putting it on a business basis. There has been talk about causing it to pay its way. If we start right out underwriting 10 percent of the cost of the money they raise to get the new equipment, in my mind, that somewhat negates the very objective of the bill.

Mr. BELLMON. I would say to my good friend from Nebraska that in the discussions in the Committee on Post Office and Civil Service in the Senate it was the considered feeling of the Members that the service rendered by the postal service to the Federal Government and its mail users who are granted special rates justified Congress making a subsidy appropriation of this kind each year.

I agree with the Senator from Nebraska that the House approach is the better approach but there is some justification for this provision.

Mr. CURTIS. It is contemplated under either version, of course, that free mailing privileges would be maintained for such groups as the blind. Is that correct?

Mr. BELLMON. As I understand the difference here, it is that under the House version Congress would make the decision each year when we were called upon to appropriate for payment of the reduced rate services as to which of these services we wish to continue. Under the Senate version Congress each year would appropriate 10 percent of the total cost of the postal service to provide for the postal service loss encountered in the reduced rate service.

Mr. CURTIS. Both bills contemplate that Congress, through its appropriating power, one way or another, would reimburse the corporation for carrying this particular mail either free or at reduced rates?

Mr. BELLMON. That is true, the difference being that under the House version Congress each year makes the decision how much we appropriate and which of those services are to be continued. Under the Senate version we appropriate a flat 10 percent of the cost of the postal service to make up that deficiency.

Mr. CURTIS. Then the Post Office Department would decide where they would apply the 10 percent.

Mr. BELLMON. The Senator is correct.

Mr. CURTIS. The Post Office Department might favor either one group or another group and decide they could pay a little more. Is that right?

Mr. BELLMON. That is generally the way the bills differ.

Mr. CURTIS. But under the House bill, through the appropriating power Congress would more or less decide who gets reduced rates. Is that correct?

Mr. BELLMON. The Senator is correct.

Mr. CURTIS. I am very much interested in that because the junior Senator from Nebraska is extremely interested in maintaining the free mailing privileges for the blind. There are many sound reasons for this. I shall not go into it at this time, but they are important. Also, I am thoroughly convinced that there is a general understanding throughout both Houses of Congress about the problems of the blind and of the great good that comes from free mailings for the blind. The Library of Congress provides talking books for any blind person that would like to get them without charge. They, in turn, are permitted to send them through the mail. This is generally understood by Congress. I am not sure what would happen if that were a blanket authority through the bureaucracy. It might be all right now but 10 years from now I would like to address that question to Congress.

I thank the Senator for yielding.

Mr. BELLMON. I thank the Senator for his comments and his questions.

Mr. President, third, by removing the obligation upon the postal service to be self-sustaining it removes a major incentive for the best possible management of the service and eliminates means of measuring the management competence of the Postmaster General. And, fourth, by keeping annual appropriations a permanent part of the postal service it loses an opportunity to remove the mails further from the political arena.

A major goal of postal reorganization should be to give those charged with running the postal service the means to run it well, and then to hold them strictly accountable for the way they run it. By providing a continuing general subsidy we would undercut a corner of this goal. The committee bill also contains a provision which would seriously undercut this goal still further. That bill would give to an independent rate commission virtually complete power to set postal rates.

If the management of the postal service is to manage it must have a significant measure of control over its revenues. The rate setting mechanism provided in the substitute would give those responsible for managing the system final decisionmaking authority, subject to careful safeguards, including a congressional veto, to prevent an abuse of that authority. The committee bill would give virtually all power to set rates and establish categories of mail to a body having neither the responsibility for the management of the postal service nor the direct accountability to the people which Congress has. This is simply compounding the no-control phenomenon which has for so long plagued the Postmaster General.

The committee bill also fails to require

that the rates for each class of mail at least produce the revenues needed to pay its demonstrably related costs, that is the extra costs resulting from the existence of that service. Under the substitute these reduced rate classes, based on social policy considerations could only be created by Congress.

A further difference of substantial importance is in the authority of the postal service to obtain transportation services for the mails. To provide greater flexibility and economy in this vital area the substitute would retain for the postal service the authority the Postmaster General now has to negotiate with railroads for the carriage of mail and would extend this authority to motor carriers as well. Similarly it would permit the postal service to require regulated motor carriers to carry mail at rates approved by the Interstate Commerce Commission, as the Postmaster General may now require railroads to do. In all of these respects the committee bill is lacking. Indeed in failing to continue the authority to enter into contracts with the railroads the committee bill would be a substantial step backward.

As I have said, a major goal of postal reorganization should be to end the no-control phenomenon, to give postal management the tools to provide the best possible service and to insist that it use them well. The committee bill contains much that would work toward this goal, but it also contains provisions that do not have this effect. The substitute would correct these deficiencies and enable us to achieve the truly great postal service which the American people deserve.

Mr. President, I consider this to be one of the most important and significant reform measures that has come before Congress in the last decade. I would like to see it enacted without a lengthy delay. I believe our postal workers are impatient for Congress to act and that many improvements we need are in limbo until Congress takes final action.

For these reasons and the other reasons I have mentioned, I urge the adoption of the text of H.R. 17070 as a substitute for S. 3848. I feel the House version is an excellent bill, and it would not require action by conference committee. The Senate by the adoption of this amendment will have accomplished postal reform, a measure all of us are anxious to see on the books. The Senate will have worked its will in all important aspects. Mr. President, there is a copy of H.R. 17070 on the desk of each Senator and a comparison of the House bill and the Senate bill which points out the differences and shows clearly how the two bills compare.

Mr. President, I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Wyoming has half an hour.

Mr. McGEE. Mr. President, I do not intend to take the half hour, and will be prepared to yield back my time, but I would like to respond very briefly to the proposal of the Senator from Oklahoma.

The issue here is whether we accept the bill reported by the Senate Committee on Post Office and Civil Service or the bill reported by the House of Representatives. In view of the great amount of time that the Senate committee spent on the bill, trying to arrive at the best of all possible worlds in postal reorganization, we believe it is important that the Senate bill be cleared through this body in order that such differences as exist may be resolved at the conference table with our colleagues from the other body.

The reason why I say that, Mr. President, is that both bodies have intensively gone into the complexities of this very difficult problem of reorganization of our postal service, and we believe that the best place to resolve those differences is at the level among those who have been doing that kind of battle for the last nearly 12 months.

To illustrate the point, there is a basic difference between the House bill and the Senate bill in regard to the Postal Rate Commission as alluded to by our colleague from Oklahoma, and that basic difference is that the Senate bill would establish a virtually independent Rate Commission. The reason why that is important is that it is in the setting and fixing of rates from the floor of the two bodies of the Congress that a good deal of the lobbying has arisen and that a good deal of shooting from the hip problems have arisen in the past. The rates should be set by rate experts in the intricate and complicated process that the requirements of equitable rate setting demand. For that reason, we have chosen to prefer an independent Rate Commission.

We have gone further, and that is to make sure that that rate commission takes the Congress of the United States out of the lobbying business itself, for until now the rates, in truth, have been set at the lapel-button—the lapel of every Member of this body, where each of the lobbyists, in turn, seeks to carry his cause; and the relationship of the cause with other causes can rarely be brought into balance in a true sense of equity. We think this is truly the function of professional ratemakers.

May I say that the contributions of my colleague from Oklahoma on the committee version of the bill have been very substantial and constructive ones. What he eliminates from the House version is a reminder to each of us in turn that the new postal authority still has the final word. It is still possible for the Board of Governors, after the processes that we have carefully worked out with the Postmaster General—the administration—to accommodate the two approaches to the ratemaking—the Senate approach and the rate commission approach. Neither gets what they thought to be a well arrived at working mechanism to be an acceptable understanding in this regard. We think that is important. And the ultimate voice still is retained in those rare instances, as we anticipate them, where there might be an impasse between the rate commission and the hard needs of the Post Office Department.

There is a second difference in the House bill and the Senate bill, and that has to do with what the Senator from Oklahoma has described as the subsidy provisions in the Senate bill. What the Senate has done in regard to subsidy is very elementary. It has simply provided, as a starting point, that 10 percent of the next year's postal budget—1971—shall be the starting allowance for the "wiggling room" to carry those areas of the postal service that cannot pay their own way and, in the judgment of many of us, should not be expected to pay their own way. I am referring to rural mail delivery. There is no way that can even pay for its own cost without charging those who live in rural communities exorbitant rates in contrast to their city brethren.

We think it is important that this body give every inducement to the new authority to protect the rural areas. We think, likewise, that every post office in a town with a population below 5,000 should be protected, for the same important reason. They lose money. We want to prevent a new Postmaster General from being able to cut that down service, because that is where the pressure will be, in order to operate in the black—whatever that means.

We believe, in other words, that in our postal service there are limited areas in which it is in the national interest, in the public service concept, to protect the costing factors that have plagued a Post master General and added to his budgeting problems.

Therefore, in our judgment, the allowance of 10 percent ought to be given as the starting point, given our experience over the last 10 years. The bill also provides for a studied review of that 10 percent, so that, after we have lived with it for 5 years or so, we can see whether that 10 percent was an intelligent educated guess. Perhaps it was not the right figure. Perhaps it should be lowered to 4 percent or 7 percent, or whatever it may be. But we do not think it would be good judgment to start off by eliminating it, inasmuch as the administration bill also provides for launching the subsidy interval by decreeing that whatever losses they shall incur over the first 8 years shall be covered by the Congress. So the Congress will still pick up the tab.

Therefore, we think the proposal contained in the Senate bill is more forthright. We label it for what it is. That is the "wherefore", that is the legitimate authorization, for this body to protect rural and small-town mail services on an equitable basis with the larger, urban areas.

Finally, in regard to this proposal, there is a basic difference between the two bills in regard to the arrangements affecting transportation costs. At the present time most commercial airlines get some assistance in the carrying of mail. This always has posed a problem for the Postmaster General, because it is a built-in subsidy, if you will. But the Senate version of the reorganization would require that we make this adjustment from where we are now to where we hope to get, in a very gradual and very understandable way, in order not to drive the marginal airlines out of business. We have just gone through the process where trains were cut off the railway services. Part of the blame has been attributed to the fact that the railroad post offices have been taken off.

We think we ought to have learned from that experience at least what not to do. We do not argue that the Post Office ought to subsidize the airlines. We only argue that we have got to begin the responsibilities where we are now, and where we are now finds us carrying some of the burden of these commercial airlines.

We feel that we will be far more responsible by studying this in gradual terms and having a look at it a little farther down the line.

So those, Mr. President, are the basic differences between the two approaches to postal reorganization. Because of the differences in the Senate version, we believe it to be important to take the Senate bill to conference with the House of Representatives, and try to come to terms on some reasonable reorganization efforts.

Several Senators addressed the Chair.

Mr. McGEE. I am glad to yield to my colleague, the ranking minority member of the Post Office and Civil Service Committee.

Mr. FONG. Mr. President, may I ask the distinguished Senator from Wyoming how long the Senate Committee on Post Office and Civil Service has been working on postal reform legislation?

Mr. McGEE. The House committee received the bill first, and by courtesy consent, we agreed that the House should start considering it before we plunged into it. I think the House has been working on it about 15 months, and the Senate has been working on it about a year.

Mr. FONG. Is it not true that the Senate committee has listened to many, many witnesses at many hearings, and discussed postal reform with officials of the Post Office Department, the postal labor unions, the mail users, and many other people, before it reported this bill?

Mr. McGEE. The Senator is absolutely correct in that. We have tried to hear out the case for every segment and every interest group—management, labor, the mailers, the charitable organizations—all aspects. Citizens, the consumer—we have heard them at great length.

Mr. FONG. And is it not true that this version of S. 3842 is the third or fourth version of the bill which has been before the Post Office and Civil Service Committee?

Mr. McGEE. The staff advises me it is the 17th version. We have tried to scale it up to date with each new set of evidence that has been submitted to us, to accommodate to the refinement of the broad judgment that that much revision and refinement would require.

Mr. FONG. Is it not true that this is not a simple bill, but is a very, very complex piece of legislation?

Mr. McGEE. I would testify that it is an extremely complex and complicated bill. I have rarely so much appreciated the importance of the real expertise and the professional judgments that have been offered to the committee.

Mr. FONG. And after considering these many versions of the bill, did we not sit down with the Postmaster General and his deputies to iron out some of the remaining differences between different versions of the bill?

Mr. McGEE. The answer to that question is that we certainly did. We tried to work out a postal reorganization bill that management could live with and that Congress, with its responsibility for the public interest, could live with; and we tried to iron out the wrinkles in those technical aspects that would give it a better chance for workability.

Mr. FONG. Is it not true that the House Post Office and Civil Service Committee had great difficulty in coming to an agreement on the House postal reform bill?

Mr. McGEE. They have found it extremely difficult in the House of Representatives to arrive at any kind of a consensus, or even a simple majority view of a proper postal reorganization bill.

Mr. FONG. Finally, is it not true that when H.R. 17070 was before the House of Representatives, approximately 40 amendments were proposed and out of the 40 amendments 14 were agreed to?

Mr. McGEE. That is correct. The Senator is absolutely right. And I ought to add at that point that the Senate committee profited greatly from the deliberations of the House of Representatives on this matter. We were the benefactors of their searching inquiry into all facets, and the differences that they themselves exhibited over various approaches to reorganizing the postal system.

Mr. FONG. And there is great philosophical difference between the two bills?

Mr. McGEE. There is a basic philosophical difference between the two approaches, yes.

Mr. FONG. The House feels there is actually no public service responsibility as far as the Post Office is concerned, and the Senate feels that there should be a public service charge?

Mr. McGEE. Yes. Let me modify that by saying that the current version of the House bill accepts no responsibility in the Postal Service, but great numbers of the Members of the House of Representatives agree that there is such a responsibility in the public service.

Mr. FONG. In the ratemaking section of the Senate bill, as differentiated from the ratemaking section of the House bill, is it not a fact that the Senate bill gives a lot of independence to the rate commission, so that it is not subservient to the Postmaster General and to the Board of Governors?

Mr. McGEE. The Senate bill stresses the independence of the rate commission. The House bill puts Congress right back into the lobbyists' lap, continuing the present lobbying activities in attempting to arrive at a rate structure.

Mr. FONG. And under the Senate bill, once the rate has been agreed to, Congress will have nothing to say about it?

Mr. McGEE. Then Congress is out of the Act. We believe it is important to get Congress out of that act.

Mr. FONG. Whereas in the House bill, Congress could still override the ratemaking decisions of the Board of Governors?

Mr. McGEE. The Senator is absolutely correct.

Mr. FONG. Mr. President, I am strongly opposed to substituting the bill which was passed by the House of Representatives for the bill which the Senate committee has worked on so tirelessly and approved. We have gone through many, many working sessions. We have listened to many witnesses. We have talked to the Postmaster General, we have talked to his deputies, we have talked to members of the postal unions and to the mail users, and the bill which we have brought before the Senate is, I believe, a good bill. We do not profess that it is a perfect bill. We know there are flaws in the bill, but it is the best bill we have been able to come up with.

I know the bill approved by the House of Representatives is not perfect. That bill was amended 14 times on the floor of the House. We know that there are many wise and intelligent men in the House of Representatives, but we also know that all wisdom does not reside there, and that there is some wisdom here in the Senate.

I feel that the bill which the Senate committee has brought to the Senate should be approved, so that we can go to conference and thrash out the differences with the conferees of the House of Representatives. I think by doing that, we will be able to bring forth the best of both the Senate and House bills. The bill which will come out of conference will be landmark legislation, Mr. President, and we should be given the chance to really work on that level.

This is a very far-reaching bill, and should not be passed on the floor of the Senate by substituting the House measure. I strongly urge my colleagues to vote down the amendment proposed by the distinguished Senator from Oklahoma.

Mr. McGEE. Mr. President, how much time do we have remaining on this side?

The PRESIDING OFFICER. The Senator from Wyoming has 12 minutes. The Senator from Oklahoma has 15.

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

The yeas and nays were ordered.

Mr. BELLMON. Mr. President, I yield to the Senator from Arizona (Mr. FANNIN) as much time as he may require.

Mr. FANNIN. Mr. President, I support the substitute bill. The substitute contains all the essential ingredients of the agreement reached between the administration and the postal unions. Its passage by the Senate would insure the most rapid possible implementation of a badly needed new wage scale for postal employees. And it would enable the Postal Service to begin without further delay the reorganization which I believe is a critical step toward improving the Nation's mail service.

Although the substitute bill embodies the fundamental elements of the agreement between the administration and the postal unions, it also reflects independent thought by Congress and contains a number of changes which are responsive to issues which have been raised during Senate consideration of postal reorganization.

The principal reason for my supporting the substitute bill is my conviction that S. 3842 contains a number of ex-

tremely undesirable provisions—principally in the ratemaking area—which not only depart from the agreement between the administration and the unions but which run diametrically against the underlying principle behind postal reorganization. I should like to explain briefly what I find to be the principal defects in S. 3842.

First and foremost, S. 3842 would set up a completely independent ratemaking authority—an authority which is independent of the Postal Service and independent of Congress. This authority would set rates without regard to what we in Congress think and without the protection which the one-House congressional veto provision contained in the substitute bill would provide against arbitrary and harmful decisions by the ratemaking authority. By the same token, the ratemaking authority would set rates entirely independently of the wishes of postal management. The power to modify the recommended decisions of the rate panel which exists in the House bill is lacking in S. 3842.

How did this state of affairs come about in S. 3842? The answer is that our committee looked for a model in the way private utilities are regulated. American Telephone & Telegraph Co. is subject to regulation by the Federal Communications Commission, and the Commission's decisions are not subject to review by telephone management. So why should not the same pattern be true for the Postal Service?

The answer is that the Postal Service—even after reorganization—is not going to be like the telephone company. For one thing, the Postal Service will remain in public ownership. Its directors will be appointed under the Reorganization Act to represent the public generally and will not be operating a business for profit. These directors—appointed by the President—will be required to protect the public interest.

Another part of the answer lies in the history of congressional interest in the Post Office Department. We are giving up the exclusive ratemaking authority which we have exercised since the foundation of the Republic. The substitute bill, however, would retain for Congress an oversight function to guard against any possible dereliction of duty on the part of the directors of the Postal Service. Given our veto power, there is no need whatsoever for the creation of a wholly independent authority.

I raise this issue because the independence of the ratemaking authority will have a critical effect upon how well postal reorganization works. There is no more fundamental force in the determination of the kinds and quality of postal services than the classification and rate system which is developed. The independent ratemaking authority created in S. 3842 would have a complete strangle hold over any and all service changes which the Postal Service would like to make.

If, for example, the Postal Service wanted to develop an exceedingly rapid type of preferred mail service, the ratemaking panel could veto this effort by failing to adopt the necessary classification and rates, and the Postal Service could not override the veto.

Although the Postal Service might be entitled to seek judicial review of this action, our overloaded Courts could very appropriately take a dim view of the complaints of one Government agency against another, and, I might add, of the failure of Congress to work out a system that avoids forcing the courts to referee disputes between agencies within the executive branch of the Government. Moreover, since the Postal Service is owned by the Government and not by private investors, the rate panel's findings would almost certainly be sustained as an appropriate exercise of discretion regardless of their impact on what postal management wants to do to improve service.

The second critical defect in S. 3842 is its failure to include a minimum floor on postal rates. The substitute bill is extremely forthright in this regard: It says that categories of preferred rate mail are to be designated by Congress alone, in the exercise of our historical power to assist socially-beneficial enterprises; outside of these congressionally approved preferred areas, however, the bill requires that each class of mail pay at least the costs which can be shown to be associated with its being carried as part of the mails. This requirement does not mean that overhead must be allocated in any set manner. It does mean, however, that incremental costs must be covered for each category of mail so that no nonpreferred category can be said to be freeloading on other categories.

S. 3842 does just the opposite. It phases out over a 10-year period all congressional categories of preferred rate mail. For example, it would end categories which now permit church and other nonprofit organizations to mail newsletters and other second-class matter at reduced rates. At the same time, S. 3842 does not require the ratemakers to require each class of mail to cover its costs and invites the independent ratemaking authority to maintain or create new categories of preferred mail. This, I submit, means not only that this independent authority will not do a better job than the ratemakers provided in the substitute bill; it virtually guarantees that it will become a dispenser of preference to favored mailers and do a far worse job.

The substitute bill contains a provision retaining the protection now given under Executive order under the title of Labor Management Relations in the Federal Service and signed by President Nixon on October 29, 1969—also provided by Presidents Kennedy and President Johnson during their terms of office—an amendment which responds to the many fears which have been expressed by Members of the Senate that the bill would authorize compulsory unionism for Government employees for the first time. The substitute contains the same limitation written into S. 3842 prohibiting the Postal Service from paying any employee a salary higher than that currently provided for a member of the President's Cabinet. It also contains a provision making the Davis-Bacon act applicable to leased postal facilities similar to a provision included in S. 3842. The substitute bill is thus the product of hard thinking by the Congress and is responsive in a number of ways to important issues which have been considered in both the House and the Senate.

So I think, Mr. President, that if we take into consideration just what is involved in comparing the two bills, the House version, the substitute bill, has many beneficial provisions.

The committee report is revealing. On page 11 it says that if the ratemaking authority—

> In its assessment of the public interest determines that newsletters mailed by a church are, in fact, of such social benefit that they should pay less than a newsletter sent by the Chamber of Commerce, then the [ratemaking authority] is fully authorized to recommend a class recognizing that distinction and a rate in accordance with that preference.

This amounts to one of the most fantastic delegations of congressional powers that I have ever heard of. It is a delegation to a group of men who will have absolutely no professional expertise or political responsibility which would enable them to exercise the power correctly. It not only constitutes an invitation to discontinue many important existing preferences—such as to nonprofit organizations—but it opens the new authority to unprecedented pressures from business mailers who will want to prove their entitlement to preferred rates. For the ratemaking authority is not just free to dispense its preferences to nonprofit groups; it can dispense them to anyone and its discretion to do so is virtually unlimited.

A third principal defect in this bill is the massive continuing 10 percent general subsidy which it provides for the postal service. The substitute, on the other hand, in line with the recommendations of the Kappel Commission, would put the postal service on a self-sustaining basis by January 1, 1978, except for appropriations provided to cover specific preferred classes of mail established by Congress.

I think this is very important, because Congress would be an overseer, Congress would have an opportunity to examine just what is being done, and this is especially needed the first few years; and, of course, with the change of administrations, it is certainly very vital.

The massive subsidy in S. 3842 would cost the taxpayer about a billion dollars a year. Yet this subsidy would be a hidden one which—combined with authority in the rate board to price categories of mail below their costs—would permit junk mailers to continue their operations at the expense of the taxpayers.

There is no reason at all why business publishers and advertisers cannot pay their own way. Yet S. 3842 would invite the use of precious tax dollars to assist these business interests when the money is so badly needed elsewhere to sustain needed social programs in such fields as education, housing, and medical care. I find it impossible to explain to the taxpayers of this country how we could saddle them with the tremendous additional burden of this subsidy which has been found not to be necessary by the

experts who have studied our postal system and which is not wanted by the administration which is proposing this reorganization.

To summarize: The basic difference between the substitute bill and S. 3842 lie in the ratemaking area. I support the substitute because it will provide a workable ratemaking procedure; it will guarantee that postal services can be improved and that new services will be developed; it will guarantee that rates will be fair and equitable and that the taxpayers will not be called upon to provide massive hidden subsidies for business mailers; and it will require that preferred classes of mail will be maintained, but only when such preferred classes have been established by Congress. S. 3842 will do none of these things.

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

The PRESIDING OFFICER. The Senator from Oklahoma has 8 minutes. The Senator from Wyoming has 12 minutes.

Mr. BELLMON. I yield 3 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator for yielding so that I may express my support for his effort to substitute the House version of the postal reform bill at this point in our consideration of this very important matter.

I have constantly voiced my strong feeling of support for the reform of our postal system. For some time, I advocated the creation of a semipublic corporation to manage the mail, free from political influence and patronage.

Committees of the other body and committees of the Senate have worked long and diligently in an effort to try to find a practical solution for the dilemma that faces this country in problems of its postal service.

I think that in this particular situation, notwithstanding that the committees of both Houses of Congress have done a magnificent job of sifting and analyzing the perplexities with which we are confronted, the accomplishments of the House of Representatives in its passage of H.R. 17070 are very real indeed, and that the Senate would do well to consider the acceptance of this substitute proposal by the Senator from Oklahoma with this bill as now presented and passed by the House, so that postal reform can become a reality instead of just a theoretical abstraction, as it has been so often in the past.

There are many aspects of the House bill that are especially attractive to the junior Senator from Tennessee, not the least of which is the manner in which the House managed that section which deals with the rights of a postal employee to join or to refrain from joining a union, as he sees fit. I believe it is one of the basic elements of liberty and justice in this country, and I am glad to see that our colleagues in the other body have included that in their proposal.

So may I add my comments in support of the motion by the junior Senator from Oklahoma in bringing to us this amendment in the nature of a substitute, to substitute H.R. 17070 from the House of Representatives.

The PRESIDING OFFICER. Who yields time?

Mr. JAVITS. Mr. President, will the Senator yield me 2 minutes?

Mr. McGEE. I have promised first to yield to the Senator from West Virginia.

The PRESIDING OFFICER. How much time does the Senator yield?

Mr. McGEE. Five minutes?

Mr. RANDOLPH. Mr. President, there is no member of the Committee on Post Office and Civil Service for whom I have a greater personal affection than the Senator from Oklahoma (Mr. BELLMON), who offers the motion to substitute the House version of the postal reform bill for the work of the Senate Committee on Post Office and Civil Service. For those who will support him in his effort, I know they will do it with good conscience, but I believe they will act contrary to well-reasoned action.

I say, however, at the outset of very brief remarks, that it is extremely difficult for me to understand how Members of this body who are not members of the Committee on Post Office and Civil Service would think in terms of substituting a House bill with which they are probably not familiar, and which was amended 14 times during the debate in the House. Further, the House bill was amended and changed through many, many levels of consideration within committee and brought to a final conclusion in a rather hurried manner.

I do not criticize the House action in the passage of H.R. 17070. But I would suggest to Members of this body that they give careful consideration to that which we have done as members of the Post Office and Civil Service Committee over a period not of a few days or a few weeks but over a period of many, many months in the consideration of this legislation. In this regard, it is a privilege to commend and congratulate our distinguished chairman, Senator McGEE, and the able ranking minority member, Senator FONG, for their diligent and persevering efforts in the formulation of this bill.

There are individual amendments which will be offered, one certainly by the very able member of the committee, the Senator from Arizona (Mr. FANNIN). I say to him that it is an important amendment, on which there is a wide difference of opinion. It involves the issue of so-called compulsory unionism for postal employees. But on that amendment, let us vote it up or vote it down. Let us consider it, based on its merits and the presentations and debate for and against. We should debate that problem issue thoroughly, as it will be, and as the distinguished Senator from Arizona wants it to be.

But here we are asked to take a bill fromthe House of Representatives rather than the Senate measure, both bills being very complex measures. What is the reason that we cannot go to conference with a Senate measure, a well-considered bill which has been brought before this body? I do not think that Senators generally want to proceed in this forum in the fashion advocated by the Senator from Arizona.

Let us take one item which is different from the House bill. We have talked for so long about taking from Congress the operations of the postal service. That has been, I think, a goal that most people have been agreed on, regardless of how they feel about specific parts of the legislation. We have accomplished this objective in the area of ratemaking. We were courageous in the Senate and we removed ratemaking as a responsibility of Congress. It should not be a responsibility of Members of the Senate or the House. It is a matter of detail to be handled by those with an expertise in ratemaking. Members of this body should know that the Congress is not the place to handle ratemaking for the shipments of parcels and of mail. The Senate faced the issue and created an independent ratemaking commission.

I repeat, I do not criticize the House. The Members had their bill and they passed it. But we took the Congress out of ratemaking and we have recommended a more businesslike approach to this issue.

Mr. President, this is only one important item where we differed with the House of Representatives. They decided to continue to involve Congress in ratemaking. We decided to remove ratemaking as a responsibility of the Congress and give it to a body which could assemble the expert staff which is required to review such an issue.

I shall comment also at this point the valuable efforts we have made in the matter of writing a transportation section in the Senate bill.

This is another major issue on which our committee bill and the House bill differ. We gave careful attention to this subject in the areas of surface and air movement of the mail, and we should have the opportunity to take this subject to conference.

Briefly—and I will not speak at length because the able chairman (Mr. McGEE) has covered the transportation provisions in detail—the administration recommended that the Postmaster General be authorized to negotiate contracts for the carriage of mail with any carrier, air or surface, at any rates he could secure. It was our belief that the almost complete contracting authority requested by the administration was too broad in scope and did not take into consideration the requirements under existing transportation systems. However, our bill does provide a limited degree of contracting authority for the Postmaster General.

The Postmaster General will be authorized to negotiate some contracts under the surface transportation section, provided that common carriers and star route operators are given notice of the negotiated contract and have the opportunity to offer to negotiate.

Additionally, Mr. President, we have afforded the Postmaster General the authority to negotiate contracts of a limited nature for the transportation of mail by air. Importantly, our bill maintains the vital role of the Civil Aeronautics Board by requiring that the contracts be submitted to the Board. The CAB will have the authority to disapprove the contract within 90 days. Maintaining the role of the CAB which has the overall view of air transportation needs is vital.

I need not go into the details because I shall present them, if it is necessary, at another time. But I do recall that

Congress, in 1938 when the air transport industry in this country was in a chaotic condition due to destructive competitive bidding on mail contracts, came forward with the Civil Aeronautics Act. I believe that was a very wise and necessary measure. It was my responsibility, as a Member of the House of Representatives, to aid in drafting and advocating and voting for that act.

We have continued to build a stronger and stronger air transport industry, an industry that not only moves people and products but also carries the mails.

It is inconceivable to me, again, that we would not continue in this legislation the important and the historic role of the Civil Aeronautics Board, giving certain authority to the Postmaster General.

These are just two indications of what we in the Senate have done to draft legislation which is well reasoned. We do not need to agree on all the points. But, I feel that Members of this body should not reject the many months of work of this committee in developing the measure we have recommended and which is in the interest of a better postal system.

Mr. McGEE. Mr. President, I now yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. RIBICOFF). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I think that the House bill has certain provisions preferable to the Senate bill with respect to union recognition because it allows local unions—I happen to have those in New York in a very substantial way. In addition, I think it reserves certain rate structures especially for books, which are very important to our country.

I find one provision in the House bill which I simply cannot accept, which was written in on the House floor, section 222(b), the so-called right-to-work provision. I had in mind to move to excise that for the substitute, but that seems to be considered an unfriendly move both by those for the substitute and those against it, who prefer to have the matter met all the way, head on.

I have been a Member of the Senate too long to assume that I can succeed in the face of that kind of combination, so that the opponents of this substitute may have a clear shot at it. But, because I think it is of overriding importance to leave open collective bargaining to whatever it may produce within the context of the collective-bargaining procedure, I shall be compelled to vote "no."

While I am on my feet, I would like to point out to members that this is a substitute; if we adopt it, that is it. We lock it in. There are no amendments to it. So that I would hope, as we perfect the Senate bill, we will deal with the question of local union recognition, if that should seem advisable to Members, and that we will deal with the question of ratemaking, and of book publishers, a time honored element of the educational system of the United States, and other matters which may be pertinent.

In principle, I appreciate the Senate's desire to have ratemaking by a new board. That is a businesslike way to do it. I also hope that the Senate, as we fashion this measure, will bear in mind the necessity of treating the workers as we would in relatively private employment, as one goes with the other.

Mr. McGEE. Mr. President, I am about ready to yield back the remainder of my time, but first ask unanimous consent to have printed in the RECORD a letter from the president of the National Association of Letter Carriers, in which he writes that although they have some limited reservations about certain clauses in the Senate bill, for all practical purposes, it remains their preference. I find that these are also the same sentiments conveyed to the members of the committee by other groups likewise deeply involved and concerned about this legislation.

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

NATIONAL ASSOCIATION OF LETTER CARRIERS,
Washington, D.C., June 29, 1970.

Hon. GALE W. MCGEE,
Chairman, Post Office and Civil Service Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: At the outset, I want to congratulate you and your fine Committee for having brought to the Senate one of the most meaningful legislative measures in history. It has not been an easy task to produce legislation which will do so much relative to the Postal Service of the United States. In addition to the demands that have been made upon your group by various interests, the Committee has had to consider an agreement that was reached on April 16, 1970 by representatives of the Administration and officers representing the seven exclusive postal unions.

Although there are some noted deviations from the agreement that was reached on April 16, especially in the area of management of the Postal Establishment, your Committee has retained practically all of the provisions of the April 16 agreement in the area of labor-management relations, collective bargaining and personnel practices.

We completely support the Senate Bill, S. 3842, because it more closely resembles the results of lengthy negotiations which occurred for the first time between the Government of the United States and unions which represent postal workers.

We feel that House and Senate Conferees who should be meeting soon to work out the differences between H.R. 17070 and S. 3842 will have sufficient and relevant language to come up with a final measure which will answer the needs of the people of America, the Postal Establishment, the postal employees and the unions which represent them.

We hope for the sake of expediency which is so urgent at this time that the Senate will permit Conferees to work out existing differences with the view in mind that the people of our great country are entitled to and must have the best postal service in the world. That has been the concern of you, in particular, and all members of your Committee in the same manner as it has been the concern of the National Association of Letter Carriers.

Our members are most anxious to get to the bargaining table to participate in the challenge of meaningful collective bargaining for the first time. Of course, we are even more interested in obtaining at the earliest possible time the wage increase which was agreed upon on April 16 and the other immediate benefits including attainment of top wages following eight years of service.

We do want you and the members of your Committee to know the letter carriers of America are appreciative of the efforts of each of you and that we are greatly hopeful that S. 3842 can be approved by the Senate before adjournment on June 29. We further trust that the Senate will commend your efforts in like manner refusing to emasculate the legislation or to handcuff, in any way, those of us who will soon for the first time learn what real bargaining can mean to our members and to the Postal Service.

Again, thanking you and the very able other members of your Committee, and with warm personal regards, I am

Sincerely yours,

JAMES H. RADEMACHER,
President.

Mr. McGEE. Mr. President, let me say that we are now ready to yield back the remainder of our time if that is agreeable to the Senator from Oklahoma.

Mr. BELLMON. Mr. President, I have two brief comments to make, and then I shall be agreeable to yield back the remainder of my time.

There have been two points raised in debate that I believe need response.

First, on the matter of the ratemaking responsibility and the involvement by Congress. In the comparison between the two bills distributed to all Senators, there is a summary on page 4, regarding the involvement that Congress has in the ratemaking process under the House bill. The only part Congress plays is that Members of either House have 90 days in which to consider and if they choose to do so, to veto any rate decision recommended by the Postmaster General.

What this does, through Congress, is to give the mailers, the people of the country, the right to keep a Postmaster General from abusing the ratemaking authority which this legislation vests in him.

The Senate version does not provide for congressional veto. It is the only difference between the role Congress plays under the two different versions.

Also, concern has been expressed here this afternoon by some of the proponents of the Senate legislation as to what would happen to rural routes in the small post offices under the House-passed version. As a Senator from Oklahoma—which is still basically a rural State, and as a patron of a rural route—I am as concerned over this legislation as is anyone else.

I would like to note that, despite all the concern that has been expressed over the closing of third- and fourth-class post offices, that the total amount of all classes was only $115 million.

During the House debate Representative OLSEN pointed out that for third- and fourth-class rural routes and star routes, the total amount was $122 million.

If we contrast that with the net results of three large post offices in the United States, we find that Pittsburgh had a loss of $19 million; Washington had $18 million; and Baltimore had $13 million.

So we can see from these figures that these three offices had net losses only half as much as the losses for all third- and fourth-class post offices in the Nation.

The fact is that for fiscal 1970, the present Postmaster General has followed a policy which has seen an increase in the third-class post offices to 7,052 as of May 1, 1970.

This should be ample assurance of the rural postal policy and that they will be better served under the system than they are now.

To me, the big difference is that we are voting for a continual postal subsidy that will relieve the postal service of the responsibility for making their service efficient and will give them assurance that they can lose 10 percent and that Congress will come along with a subsidy to make up the difference.

Mr. President, I am ready to yield back the remainder of my time.

Mr. McGEE. Mr. President, I yield back the remainder of my time, with the reminder that we should like to take the Senate version of the bill to conference and there try to work out our differences.

The PRESIDING OFFICER. All time having expired, the question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. RIBICOFF). The clerk will suspend with the call of the roll. Senators will please take their seats. The staff members will please take their seats or leave the Chamber. The clerk will suspend until there is order in the Chamber.

Earlier in the day there was an order that during the rollcall the Sergeant at Arms would see to it that the Chamber was cleared of all unnecessary personnel. The Sergeant at Arms will obey the order.

The assistant legislative clerk resumed the call of the roll.

The PRESIDING OFFICER. The clerk will suspend. Under the rules and the previous order, unless there is specific permission for staff members to remain in the Chamber, staff members will leave the Chamber. The clerk will not proceed further until staff members leave the Chamber.

It is understood that those members of the staff that do not have immediate business with or for their Senators will leave the Chamber.

The clerk will proceed with the call of the roll.

The rollcall was resumed and concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), would vote "nay."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kansas (Mr. PEARSON) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 41, nays 48, as follows:

[No. 185 Leg.]

YEAS—41

Allen	Ervin	Murphy
Allott	Fannin	Packwood
Baker	Goldwater	Percy
Bellmon	Goodell	Saxbe
Bennett	Griffin	Schweiker
Byrd, Va.	Gurney	Smith, Maine
Cook	Hansen	Smith, Ill.
Cooper	Holland	Spong
Cotton	Hruska	Stennis
Curtis	Jordan, N.C.	Stevens
Dole	Jordan, Idaho	Talmadge
Dominick	Mathias	Tower
Eastland	McClellan	Williams, Del.
Ellender	Miller	

NAYS—48

Aiken	Harris	Mondale
Anderson	Hart	Montoya
Bayh	Hartke	Moss
Bible	Hatfield	Pastore
Boggs	Hollings	Pell
Brooke	Hughes	Prouty
Burdick	Inouye	Proxmire
Byrd, W. Va.	Jackson	Randolph
Case	Javits	Ribicoff
Church	Long	Scott
Cranston	Magnuson	Sparkman
Eagleton	Mansfield	Symington
Fong	McGee	Williams, N.J.
Fulbright	McGovern	Yarborough
Gore	McIntyre	Young, N. Dak.
Gravel	Metcalf	Young, Ohio

NOT VOTING—11

Cannon	Mundt	Russell
Dodd	Muskie	Thurmond
Kennedy	Nelson	Tydings
McCarthy	Pearson	

So Mr. BELLMON's amendment was rejected.

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

Mr. FONG. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

NEEDED: POSTAL REFORM, NOT COMPULSORY UNIONISM

Mr. BENNETT. Mr. President, the Senate this week will have before it a bill that contains a two-edged sword. One edge would cut a wide swath in favor of the postal reform that is urgently needed by the country. However, the other edge would cut away a vital freedom for 750,000 Americans—the freedom to work for their Government and Nation without being forced to join a union. I am speaking, of course, of the postal reform legislation.

I for one will support a right-to-work amendment to this important bill, not because I do not believe in unions, but rather, because I feel that the concept of voluntary unionism in the Federal Government is the only reasonable and moral position which we can take.

I am proud of the work I have been able to do in the Senate up to now on behalf of freedom to work, and proud that my home State of Utah is one State that still protects the right-to-work. I support fully Utah's view on this matter, and will continue to do all I can to protect this precious right in Utah as well as wherever it is in danger in the Federal Government.

Considerable confusion has developed regarding the postal reform bill, particularly over its possible effect on the status of the postal employees' unions.

At the present, Federal unions are controlled by the directives of the President. The present postal system, under this control, preserves the right of individual postal employees either to join or not to join the union, and denies the right to strike. However, under the new system, the question has been asked:

> Would the employees and the unions still be subject to the Presidential directives, or would the new system be considered private enterprise which would make the employees and the unions subject to the Taft-Hartley Law, including its provision under which certain States have passed right-to-work legislation?

The confusion should now be cleared away. The House, as we know, has passed a bill which, in effect, carries the Presidential directive over into the new Postal System, and preserving the right of individual postal employees to join or not join unions as they so choose. I think this is a reasonable approach and hope the Senate will follow the House's lead.

Mr. President, may I remind the Senate of the 1962 Executive order issued by then-President Kennedy regarding this vital issue. That order said the following:

> Employees of the Federal government shall have, and shall be protected in the exercise of, the right, free and without fear of penalty or reprisal, to form, join and assist any employee organization or to refrain from any such activity.

I believe that philosophy was correct in 1962; I believe it is every bit as correct in 1970.

The right to join a union is an important right, and should not be abridged. But neither should the right to refrain from joining a union be abridged.

I am pleased that Senator FANNIN has taken the lead in proposing legislation to amend the postal reform bill along this line. We should move ahead with postal reform, but not at the expense of right-to-work.

Mr. GOLDWATER. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. The amendment offered by the Senator from Arizona will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 285, after line 7, insert a new section as follows:

"INVASION OF PRIVACY BY MAILING OF SEXUALLY ORIENTED ADVERTISEMENTS

"SEC. 14. (a) The Congress finds—

"(1) that the United States mails are being used for the indiscriminate dissemination of advertising matter so designed and so presented as to exploit sexual sensationalism for commercial gain;

"(2) that such matter is profoundly shocking and offensive to many persons who receive it, unsolicited, through the mails;

"(3) that such use of the mails constitutes a serious threat to the dignity and sanctity of the American home and subjects many persons to an unconscionable and unwarranted intrusion upon their fundamental personal right to privacy;

"(4) that such use of the mail reduces the ability of responsible parents to protect their minor children from exposure to material which they as parents believe to be harmful to the normal and healthy ethical, mental, and social development of their children; and

"(5) that the traffic in such offensive advertisements is so large that individual citizens will be helpless to protect their privacy or their families without stronger and more effective Federal controls over the mailing of such matter.

"(b) On the basis of such findings, the

Congress determines that it is contrary to the public policy of the United States for the facilities and services of the United States Postal Service to be used for the distribution of such materials to persons who do not want their privacy invaded in this manner or to persons who wish to protect their minor children from exposure to such material.

"(c)(1) Chapter 31 of title 39, United States Code, as amended by this Act, is further amended by adding at the end thereof the following new sections:

"'§ 3109. Mailing of sexually oriented advertisements

"'(a) Any person who mails or causes to be mailed any sexually oriented advertisement shall place on the envelope or cover thereof his name and address as the sender thereof and such mark or notice as the Board of Governors may prescribe.

"'(b) Any person, on his own behalf or on the behalf of any of his children who has not attained the age of nineteen years and who resides with him or is under his care, custody, or supervision, may file with the Board a statement, in such form and manner as the Board may prescribe, that he desires to receive no sexually oriented advertisements through the mails. The Board shall maintain and keep current, insofar as practicable, a list of the names and addresses of such persons and shall make the list (including portions thereof or changes therein) available to any person, upon such reasonable terms and conditions as it may prescribe, including the payment of such service charge as it determines to be necessary to defray the cost of compiling and maintaining the list and making it available as provided in this sentence. No person shall mail or cause to be mailed any sexually oriented advertisement to any individual whose name and address has been on the list for more than thirty days.

"'(c) No person shall sell, lease, lend, exchange, or license the use of, or, except for the purpose expressly authorized by this section, use any mailing list compiled in whole or in part from the list maintained by the Board pursuant to this section.

"'(d) "Sexually oriented advertisement" means any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing. Material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical, or other work the remainder of which is not primarily devoted to sexual matters.

"'§ 3110. Judicial enforcement

"'(a) Whenever the Board of Governors believes that any person is mailing or causing to be mailed any sexually oriented advertisement in violation of section 3109 of this title, it may request the Attorney General to commence a civil action against such person in a district court of the United States. Upon a finding by the court of a violation of that section, it may issue an order including one or more of the following provisions as the court deems just under the circumstances:

"'(1) a direction to the defendant to refrain from mailing any sexually oriented advertisement to a specific addressee, to any group of addressees, or to all persons;

"'(2) a direction to any postmaster to whom sexually oriented advertisements originating with such defendant are tendered for transmission through the mails to refuse to accept such advertisements for mailing; and

"'(3) a direction to any postmaster at the office at which registered or certified letters or other letters or mail arrive, addressed to the defendant or his representative, to return the registered or certified letters or other letters or mail to the sender appropriately marked as being in response to mail in violation of section 3109 of this title, after the defendant, or his representative, has been notified and given reasonable opportunity to examine such letters or mail and to obtain delivery of mail which is clearly not connected with activity alleged to be in violation of section 3109 of this title.

"'(b) The statement that remittances may be made to a person named in a sexually oriented advertisement is prima facie evidence that such named person is the principal, agent, or representative of the mailer for the receipt of remittances on his behalf. The court is not precluded from ascertaining the existence of the agency on the basis of any other evidence.

"'(c) In preparation for, or during the pendency of, a civil action under subsection (a) of this section, a district court of the United States, upon application therefor by the Attorney General and upon a showing of probable cause to believe the statute is being violated, may enter a temporary restraining order or preliminary injunction containing such terms as the court deems just, including, but not limited to, provisions enjoining the defendant from mailing any sexually oriented advertisement to any person or class of persons, directing any postmaster to refuse to accept such defendant's sexually oriented advertisements for mailing, and directing the detention of the defendant's incoming mail by any postmaster pending the conclusion of the judicial proceedings. Any action taken by a court under this subsection does not affect or determine any fact at issue in any other proceeding under this section.

"'(d) A civil action under this section may be brought in the judicial district in which the defendant resides, or has his principal place of business, or in any judicial district in which any sexually oriented advertisement mailed in violation of section 3109 has been delivered by mail according to the direction thereon.

"'(e) Nothing in this section or in section 3109 shall be construed as amending, preempting, limiting, modifying, or otherwise in any way affecting section 1461 or 1463 of title 18 or section 3106, 3107, or 3108 of this title.'

"(2) The table of contents of chapter 31 of such title is amended by adding at the end thereof the following new items:

"'3109. Mailing of sexually oriented advertisements.

"'3110. Judicial enforcement.'

"(d)(1) Chapter 83 of title 18, United States Code, relating to offenses against the postal service, is amended by adding at the end thereof the following new sections:

"'§ 1735. Sexually oriented advertisements

"'(a) Whoever—

"'(1) willfully uses the mails for the mailing, carriage in the mails, or delivery of any sexually oriented advertisement in violation of section 3109 of title 39, or willfully violates any regulation of the Board of Governors issued under such section; or

"'(2) sells, leases, rents, lends, exchanges, or licenses the use of, or, except for the purpose expressly authorized by section 3109 of title 39, uses a mailing list maintained by the Board of Governors pursuant to such section;

shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years, or both, for any second or subsequent offense.

"'(b) For the purposes of this section, the term "sexually oriented advertisement" shall have the same meaning as given it in section 3109(d) of title 39

"'§ 1736. Restrictive use of information

"'(a) No information or evidence obtained by reason of compliance by a natural person with any provision of section 3109 of title 39, or regulations issued thereunder, shall, except as provided in subsection (c) of this section, be used, directly or indirectly, as evidence against that person in a criminal proceeding.

"'(b) The fact of the performance of any act by an individual in compliance with any provisions of section 3109 of title 39, or regulations issued thereunder, shall not be deemed the admission of any fact, or otherwise be used, directly or indirectly, as evidence against that person in a criminal proceeding, except as provided in subsection (c) of this section.

"'(c) Subsections (a) and (b) of this section shall not preclude the use of any such information or evidence in a prosecution or other action under any applicable provision of law with respect to the furnishing of false information.

"'§ 1737. Manufacturer of sexually related mail matter

"'(a) Whoever shall print, reproduce, or manufacture any sexually related mail matter, intending or knowing that such matter will be deposited for mailing or delivery by mail in violation of section 3108 or 3109 of title 39, United States Code, or in violation of any regulation of the Board of Governors issued under such section, shall be fined not more than $5,000 or imprisoned not more than five years, or both, for the first offense, and shall be fined not more than $10,000 or imprisoned not more than ten years or both, for any second or subsequent offense.

"'(b) As used in this section, the term "sexually related mail matter" means any matter which is within the scope of section 3108(a) or 3109(d) of title 39, United States Code.'

"(2) The table of contents of chapter 83 of such title is amended by adding at the end thereof the following new items:

"'1735. Sexually oriented advertisements.

"'1736. Restrictive use of information.

"'1737. Manufacturer of sexually-related mail matter."

"(e) If any provision of this section, or the application thereof to any person or circumstance, is held invalid, the remainder of this section and the application of such provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

"(f) The provisions of this section shall become effective on the first day of the sixth month which begins after the date of enactment of this Act."

Mr. GOLDWATER. Mr. President, I yield myself 10 minutes, and I would like to call the attention of the chairman of the committee and the members of the committee to the amendment. I realize no hearings were held on it, although the chairman set them on at least two different times, and we were interrupted on inadvertent occasions that prevented testimony from being heard. I would hope that out of that fact would come some agreement so that we could work on it in the coming conference.

STOPPING SMUT

Mr. President, the amendment is cosponsored by my distinguished colleague from Arizona (Mr. FANNIN).

Mr. President, we have heard much talk about postal reform, but so far no one has said a word about the single most important problem confronting the American people when they use the mails. I mean the problem of obscenity.

It is a problem which has grown to such proportions that nearly a quarter-

million citizens complained to the postal service about it during the fiscal year just ended—the highest number ever recorded.

It is a problem which has hit so many homes that a recent Gallup poll finds 85 out of every 100 Americans favor stricter laws to deal with it.

This is why I feel strongly that the movement to modernize the mails will be incomplete unless it is combined with an effort to clean up the mails.

Mr. President, the American public is fed up with the profane and insulting invasion of their homes by sexually degenerate materials. They demand protection against the smut peddlers. I believe it is high time we do something to help them.

Consequently, we are introducing an amendment that will provide a much stronger form of protection than now exists for the privacy of adults and the protection of young people against sexually offensive mail.

Mr. President, I have tried every other means possible of getting this issue before the Senate. I spoke out on the Senate floor at least seven times in the past year on this subject. I have suggested that we begin hearings on the problem time and time again.

But as yet there has not been one single day of deliberations on pornography by any committee of the Senate, either last year or this year. On the other hand, I was privileged to appear before the House Subcommittee on Postal Operations last November and the House Judiciary Committee last December to urge the adoption of new laws against postal pornography.

Mr. President, the longer we delay action in this field the richer the smut scoundrels will get. The more we postpone tackling this issue, the greater the problem, and its dangers, will grow.

We must take this opportunity to act. We are today rewriting the entire postal code. Why do we not use this occasion to strengthen the laws against postal obscenity?

The amendment which we offer presents no surprise to Congress. It is similar to the comprehensive law which the administration has proposed to keep sexually related advertisements away from homes where they are not wanted.

The amendment has been considered by the House of Representatives. In fact, much the same proposal was passed by the House early this year.

The only difference is that I have strengthened the statement of findings and added one new provision.

Mr. President, our amendment will completely bar the use of the U.S. mails as a means to distribute unsolicited and unwanted sexually related advertisements. Here is where each citizen has his back against the wall. If he cannot prevent the entry into his home of intrusions that shock or offend his personal feelings, or those of his family, then he has lost the last defense of his personal liberty.

The amendment we offer will enable each citizen to protect his fundamental right to privacy. It will also allow responsible parents to guard their minor children from exposure to material which they believe to be harmful to the normal, ethical, mental, and social development of their children.

It will do this by permitting any adult to place his name, as well as the names of his minor children, on a list of persons who desire not to receive sexually related advertisements. Each smut dealer will then be prohibited from sending his indecent product to any person whose name is on the list.

If he fails to purge his mailings of the names of unwilling recipients, our amendment provides machinery for both the civil and criminal enforcement of its requirements.

The list will be kept by the Postmaster General, but the costs of defraying it will be borne by the smut peddlers themselves through the payment of a modest service charge.

One significant feature of the amendment is that it allows the Attorney General to ask for a temporary restraining order and preliminary injunction either before or during the course of judicial enforcement proceedings.

This device could be just the means Americans have long been seeking in order to put an end to the improper operations of smut peddlers here and now, instead of allowing them to exhaust a time-consuming flood of legal motions and other delaying tactics before they are forced to stop doing business.

Mr. President, because we have a sufficient number of Senators, present at this time, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, the new provision we have added is intended to close up the strange gap in present law through which the manufacturer of smut mail escapes scot-free. Oddly enough, the current law is directed only against the person who actually puts smut in the mails.

To my mind, the postal obscenity laws should be extended to reach the smut mill that prints this garbage, as well as the dealer who mails it. Our amendment will do exactly that.

Mr. President, I am convinced that the amendment rests on solid constitutional grounds. It is founded upon the twin powers of Congress to protect the right of privacy and to protect the welfare of children.

There are two strong Supreme Court decisions which back up the statute. First, there is the case of Rowan against United States, reported on May 4, 1970.

This case involved the constitutionality of section 4009 of title 39, which is known as the pandering advertisements law. At stake was the power of Congress to restrict repeated mailings of offensive advertising once the original mailing had occurred.

Publishers, distributors, and others whose business activities are affected by the law contended that it violates their rights of free speech and due process.

However, the Court made short shrift of this claim. Mr. Chief Justice Burger, writing for a unanimous Court, said:

> We therefore categorically reject the argument that a vendor has a right under the Constitution or otherwise to send unwanted material into the home of another.

The decision confirms the point that I have been making in speech after speech. The judiciary now recognizes the authority of a legislature to protect a man's feelings as well as his limbs. And, further, the exercise of this power is particularly strong when the threat to privacy involves an invasion of a man's home.

The Court followed this principle down the line in the Rowan case when it said:

> Weighing the highly important right to communicate . . . against the very basic right to be free from sights, sounds and tangible matter we do not want, it seems to us that a mailer's right to communicate must stop at the mailbox of an unreceptive addressee.

The Court nailed down this concept in broad terms by holding that:

> Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit.

Nor did the Court find that the sender's right of due process had been breached. The Chief Justice wrote:

> It is sufficient that all available defenses . . . may be presented to a competent tribunal before a contempt finding can be made.

Our amendment is in complete accord with this test. Since it relies upon judicial proceedings for its enforcement, there will be a full opportunity when defenses can be raised.

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

Mr. GOLDWATER. I yield myself 5 additional minutes.

The final objection presented by the mailer was that the financial burden imposed by the law constituted an arbitrary feature. Once more the Court rejected the mailer's position. It ruled that the costs were not prohibitive, particularly when "applied to commercial enterprises."

Turning to the statutory scheme which we are sponsoring, I have no doubt that the plan is sound.

First, the definition of a sexually oriented advertisement is strictly limited. It applies only to matter that depicts an erotic subject in a predominately sexual context. This decision must be made by a Federal court with all the safeguards of a legal proceeding.

Second, the amendment covers commercial advertising only. It does not reach private letters.

Third, it will not affect legitimate mail-order catalogs. There is a specific exemption given to material when it is not the primary subject of the whole publication. Thus, a page or two of bikinis in a store catalog can in no way cause a merchant to run afoul of the statute.

As to the question of the costs of compliance with the statute, I am certain they will not be high.

The list of persons who do not want to receive sexual advertisements will most likely be kept on magnetic tape. Even a localized list will include many thousands of names and addresses. This means that the mailer will have to use computers to scan the list.

But this is not so bad as it sounds because most, if not all, of the present merchants in the mail-order smut industry already use computers as standard equipment. For them, there will be little additional cost.

For those firms which do not now use computers, there is an inexpensive approach possible, and that is time-sharing, which involves only paying for the amount of time that the computer terminal is actually in use.

And before anyone weeps about the costs which may befall the smut salesmen, let me describe just who we are talking about. First of all, we are speaking of a giant industry. The traffic in pornographic books, magazines, films, and cards exceeds a billion dollars in a single year.

Furthermore, the market is shared by a very few large dealers. According to the Department of Justice, there are 50 major distributors at the most. In fact, 95 percent of the complaints that the Government gets about obscenity in the mails is estimated to be caused by the unsolicited mass mailings of 15 large dealers.

What is more, I can report today that the administration has uncovered evidence that proves beyond any doubt that there is a growing takeover of the field by organized crime. A recently formed Joint Strike Force that was set up by the Justice Department in New York City has revealed that it possesses convincing evidence establishing the infiltration of the Mafia into the smut business.

Daniel Hollman, who heads the Strike Force, tells me that the United States has won two obscenity indictments against Cosmo "Gus" Cangiano and other close associates of reputed Costra Nostra family boss Joseph Colombo. Over $1 million worth of hard-core pornography was seized during arrests made in one of these cases alone.

In addition, "Charlie the Blade" Torrine, also an associate of the Colombo family, and "Springfield Sam" Manarite, a lieutenant in the Geonovese family, have been arrested recently for dealing in hard-core smut.

These are not isolated examples. In March, I noticed two newspaper articles about organized crime's involvement in the printing and distribution of obscene movies and literature here in the Nation's Capitol.

Mr. President, this is why I believe that when the courts are asked to weigh the personal right of privacy held by individual citizens against the slight economic burden that will fall upon mobsters and the millionaire operators of obscenity mills, our judicial brethren will rule on the side of the average American.

The second Supreme Court decision which supports our proposal is the 1968 Ginsberg case—390 U.S. 731—which makes it crystal clear that a legislature may properly decide that children need protection against pornography.

Since the Ginsberg case involved the conviction of a dealer who did no more than sell four "girlie" magazines to a teenager, I am certain the Court will find that the utter garbage that is infesting the mails is also obscene when sent to minors.

Mr. President, I ask that Senators be willing to stand up and be counted on this important issue. We have an obligation to the American people to do no less.

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

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

Mr. GOLDWATER. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 15 minutes.

Mr. PASTORE. We can borrow 3 minutes from the other side.

Mr. GOLDWATER. I have time. I am happy to yield 3 minutes to the Senator from Rhode Island.

Mr. PASTORE. I congratulate the distinguished Senator from Arizona for bringing up this amendment, which I think is timely and necessary. We talk about cleaning up the pollution of the air and cleaning up the pollution of the water; I say it is about time we begin to clean up the pollution of the mind. I think this is much more disasterous to our society than any other form of pollution we have been talking about.

I think this is a dastardly thing which has been perpetrated upon the American public. One thing that has peeved and irked me about the Supreme Court has been its liberality on the question of pornography. The idea that you can show these dirty films in your home on the ground that your home is your castle is ridiculous, in my point of view, and something ought to be done about it.

I am glad that this amendment comes up at this time, and I would be honored to be a cosponsor.

Mr. GOLDWATER. I thank the Senator very much.

Mr. PASTORE. I ask unanimous consent for that purpose.

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

Mr. COOK. Mr. President, I would also request of the Senator from Arizona that I be permitted to be a cosponsor. I am not so eloquent as the Senator from Rhode Island, but I would like the record to show that I associate myself with the remarks of the distinguished Senator from Arizona, and to say that I think that, of all the things that may well be put in this bill as a result of amendments on the floor of the Senate, I cannot think of any other amendment that is more important to the social welfare of this Nation than the amendment proposed by the Senator from Arizona. I personally thank him very much.

Mr. GOLDWATER. I thank the Senator. I ask unanimous consent. Mr. President, that the names of the Senator from Kentucky (Mr. COOK), the Senator from Oregon (Mr. HATFIELD), and the Senator from California (Mr. MURPHY) be added as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection it is so ordered.

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

Mr. GOLDWATER. I yield to the Senator from California.

Mr. MURPHY. I would like to say, in passing, that unfortunately one of the great problems in my State has been the fact that there has been a concentration of this sort of activity in California, particularly in the motion picture area and the publishing business. I cannot find words to express my appreciation to the distinguished Senator from Arizona for having finally crystallized this issue and brought it to a conclusion, which I think is one of the most important things that have happened in behalf of the moral welfare of the American people since I have been a Member of this body. I congratulate the Senator, and I am very pleased that he has permitted me to join him as a cosponsor.

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

Mr. GOLDWATER. I yield.

Mr. AIKEN. I shall not ask the Senator to put me on as a cosponsor, but I shall consider it a privilege and an honor to be the first to vote for his amendment, if he will have a rollcall vote.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the names of the Senator from Alabama (Mr. ALLEN) and the Senator from Vermont (Mr. AIKEN) be added as cosponsors of the amendment.

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

Mr. McGEE. Mr. President, I do not intend to use up the time that remains on this side.

I only want the RECORD to show that the Senate committee has already scheduled hearings on pending legislation to this point the week that we return from the Fourth of July recess.

As the Senator from Arizona has mentioned, events beyond the control of the committee chairman, or Republicans or Democrats, had interrupted the time schedule on this matter, which we had hoped would be out of our way long before this. But we intend to proceed with hearings. There have been no hearings on the proposed legislation. We think it would be wise and in the interest of this group if this matter could be voted on by this body—the yeas and nays have been requested—and, in whatever vote the Senate chooses, demonstrate its concern about it, so that we can take it to conference. It will, likewise, arm us further in our efforts in the hearings to produce Senate action on this measure. I want to announce that I intend to vote "aye" on the bill.

I am glad to yield to the Senator from West Virginia.

SENATOR RANDOLPH URGES SENATORS TO ACT TO CURB OBSCENE MATERIALS

Mr. RANDOLPH. Mr. President, I think that the statement made by the chairman of the Committee on Post Office and Civil Service (Mr. McGEE) is a correct assessment of the attitude of the committee itself and, further, the chairman's personal views, and I associate myself with the remarks he has made.

Mr. President, I commend the Senator from Arizona (Mr. GOLDWATER) for his bringing this problem to the attention of Senators during our consideration of the postal bill.

We need, as the American public wishes and appeals, to the Congress, that we legislatively take steps to curb the use of the U.S. mails for the unsavory profits made by those persons who flood the country with obscene literature. There is a rising tide of opposition by the citizenry of our Nation to the mounting tide of filth and trash.

Mr. President, there are those in jour-

nalism, in movie production and in other media, who are speaking and working against the obscene materials from the written word and the screen. One of these individuals is Don Daniels, of the Wheeling, W. Va., News-Register staff. On September 9, 1969, as an example of his crusade against obscene trafficking he wrote as follows:

The six-penny pimps are at it again.

The postage-stamp pornographers have a new angle.

The mail-order madames now aim their full color glossey psychological prostitute photos at educational eggheads.

The latest I have is from an outfit in New York and it offers a "Photographic Manual of Sexual Intercourse."

Now I didn't say that, friend. My postman delivered it. Complete with pictures. And an adequate number of stamps, I didn't call it a "major breakthrough in sex education." My postman delivered it. I didn't write a brochure that says, "The divorce rate is fantastic! Premarital pregnancy is at its highest level. Our mental institutions are doing a thriving business. Adultery seems to be the number one topic of our books and magazines and our movie theaters are showing lesbian and homosexual features to packed houses." I didn't do that. The postman brought it.

And it isn't me that suggests to eliminate all that slime a brand new detergent full of photos and "plain language" advice is needed. I didn't write it. I read it. The postman delivered it.

Complete with pictures.

In color.

This book is supposed to have been written by one L. R. O'Conner and the by-line almost makes me reject my Irish heritage. It has an introduction by an Albert Ellis, Ph. D. And the letter suggesting I buy a copy for $9.98 or maybe the deluxe edition for $12.98 is signed by Ronald Alvin, with "My sincere personal good wishes."

I don't want any sincere personal good wishes from Ronald Alvin. I'd much prefer "sincere personal good wishes" from some guy peddling leprosy. I made a mighty attempt to get Mr. Alvin or any of his cohorts on the telephone and I failed. And this company will tell you that I don't stand short when it comes to telephones. I'll call anyone if there is an angle to search.

And I might note, briefly, that telephone operators hereabouts are about as good as you can find. I salute every one of them. They put up with me, which ain't easy.

But we couldn't get Mr. Alvin or L. R. O'Conner. All we had to go on was a Post Office Box Number and the title, "Pent-R Books, Inc." There is no New York telephone listed for Pent-R Books. That, obviously, makes it an out of pocket operation with an address anywhere they can stand up a naked broad and load a camera.

Last week I talked with Congressman Bob Mollohan who has a bill before Congress which would restrict the use of the United States mail for the purposes of deploying filth across the land. Bob said the bill has a good chance and that President Nixon was "interested" in stopping the use of tax-payers money to peddle the slime. You, friend, pay for the post office department and it runs, continually, at a deficit.

This latest book purports to offer educational treatises on sex, along with "over 150 actual photos in black and white and full color" but it prohibits ordering by anyone less than 21 years old. All you have to do is say you are not less than 21. And if you are only 18 and want to be married I guess you ain't allowed all this "education."

It's sickening, friend. Upchuck type sickening. And I wish you'd write to any congressman you know and tell him so. I wish you'd write to the remaining members of the Supreme Court who decided not long ago that it is legal for a man to walk around with his fly open . . . or that was in effect, the ruling. The court made it possible for such slush to go through the mail. And worse.

Try any newstand. In a far corner you can find obscenities the like of which would have turned my old man gray. And the Old Man was a pretty good swinger in his time.

Once, prior to the court ruling, such stuff was delivered by truck, direct. Not by mail. Even the "Sunbathing," and "Nudist" magazines were sent direct. And it took the sunworshippers a long time before they could publish and sell pictures unretouched.

After a few court rulings they were allowed to print photos showing pubic hair. But they still couldn't mail them.

Now they can and it hurts. They are losing sales because the pornographers make pictures indescribably offensive.

And they send them through the mail. With your tax money. And to your daughter or your son or your secretary. It is vile, citizen, and only you can stop it. If Mr. Mollohan does nothing else in Congress than to eliminate this "drek" from coming to my house, then he has my vote again.

And to the lady who wrote to me, I will not repeat the addresses of the other firms peddling the filth. Perhaps I was wrong to name them in the first place. I'll offer them no further publicity. But if they'd like to stand and be named anytime, anyplace and defend their "dignity" I will happily spit in their collective face.

I have no objections to female beauty in whatever pose . . .

Excepting, of course, the position of barnyard animals. Pigs, by nature, live with pigs . . . and hogs take the pictures.

Mr. President, I also read the following news article from the Washington Daily News of Tuesday, June 18, 1970.

MAN CONVICTED IN FILM CASE—PORNOGRAPHY, NOT MERELY OBSCENITY

(By Mary Ann Kuhn)

In convicting a 28-year-old man for possession of 30 reels of obscene films, District Court Judge John H. Pratt said they "are something more than mere obscenity. They are hard-core pornography."

Judge Pratt viewed two of the obscene films, entitled "First Time" and "Three Plus" before convicting Dennis R. Pryba, manager of Potomac News at 507 Eighth-st se. Pryba, who will be sentenced after Judge Pratt receives a probation report, could receive a maximum of five years imprisonment.

"What hard-core pornography is, has never been defined by the Supreme Court," Judge Pratt said. "But a Special Court of Appeals of Maryland defines hard-core pornography as obscenity which focuses predominately upon what is sexually morbid, grossly perverse and bizarre without any artistic or scientific purpose of justification.

"It has a patent absence of any redeeming social value; it speaks for itself and screams for all to hear that is obscene," Judge Pratt said. "No proof, other than the viewing of it, is required to determine if it is in fact obscene."

I ask the Senator from Arizona (Mr. GOLDWATER) if I may have the privilege of having my name added as a cosponsor of his amendment?

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the distinguished Senator from West Virginia (Mr. RANDOLPH) and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) be added as cosponsors of the amendment.

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

Mr. JAVITS. Mr. President, will the Senator yield for a question?

Mr. GOLDWATER. I yield.

Mr. JAVITS. I think this involves rather strict legal questions. I do not think there is any question about the fundamental feeling that we all have. I, too, have relatively young children. The fundamental thrust of what the Senator is trying to accomplish is certainly congenial to us all, including me.

This is the first time I have had a chance to read this amendment, and I suppose that is true of many of us, particularly as we have had no hearings on it.

I wonder why the Senator chose to define "sexually oriented advertisements" himself, instead of importing the definition of obscenity in the decisions of the Supreme Court, in view of the fact that we cannot get away from that, whatever we say in the statute?

The Supreme Court having declared the issue on grounds of constitutionality, no matter what law we pass, the danger is that if one does not use what they have said, essentially, or at least keep pace with their decision, the whole thing can fall, because it will be declared unconstitutional, and then it all goes out the window. I wonder what the Senator's thinking is on it.

Mr. GOLDWATER. I will have to admit that the thinking in this instance is very broad. It is pretty much left up to the district courts to make a determination.

But I will say that the genesis of the whole thinking on this amendment is based upon the New York law. I must say that until the New York law was written and passed upon by the courts of New York, this was the great quandary we were in: How do you define pornography or obscenity? So we took a broad, general approach to this, knowing that the courts would probably have to make a decision in individual cases.

Mr. JAVITS. I wonder whether the Senator might consider this a constructive suggestion. It is possible to write a section in here saying that if the courts define "sexually oriented advertisement" differently from what the Senator has defined it here—that is, within the limits that his definition permits—the statute shall apply that way.

This is just a horseback opinion, but it seems to me that the danger the Senator runs—obviously, he is going to get a practically unanimous vote—is that the whole thing may go down the drain, in the absence of some relationship to constitutionality in terms of court decision. I have not had a chance to research this recently, but, again, the question of "redeeming social value," according to the decisions of the Supreme Court, is one big item left out.

I ask, again, whether the Senator would be kind enough to give us his rationale.

Mr. GOLDWATER. I would be happy to consider that, but the House already has passed this language—not, of course, attached to the postal bill, but it is in another bill which will appear before us and undoubtedly will appear before the committee to which it will be referred.

I must say that in our whole study of this field, and I am sure the Senator is aware of this—he is a lawyer and I am

not, but I know what I think is pornographic and what is not—in the absence of exact court determinations or definitions, down through history, the determination of what is or what is not pornographic has been difficult. But when we get into the specific fields of sexually oriented advertising, I think we can get pretty close to what we are getting at. I refer specifically to the types of unwanted mail that have been pouring into our homes for the past many years, which no one could doubt were sexually oriented and pornographic material.

Mr. JAVITS. Would the Senator from Wyoming yield me 2 minutes?

Mr. FONG. I yield 2 minutes to the Senator.

Mr. JAVITS. This is a very broad definition. There is a criminal section here which ties into this definition. I do not think there is any question about adoption of the amendment, but I think it begins to raise some pretty sticky problems, especially in view of the fact that this definition probably covers a good many classic forms of art, going back centuries; and of course the first thing that will be thrown at the Senate will be that argument.

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

Mr. JAVITS. Not yet. I just want to make this point.

I think we must take this amendment in the light of what the chairman has said—that is, that he is able to take it to conference, that he has the fundamental basis of the Senate's idea—he has hearings coming up, which is probably the best that can be done. I do not mean to bedevil the Senator with these questions. These are the things that come into my mind in reading his amendment.

Mr. GOLDWATER. I will say, in defense of the chairman—although he needs no defense—that on at least two different occasions, and I think there were three, he set up hearings at which I was to be allowed to testify; and in each case, through happenings over which he had no control, we were not allowed to proceed with the hearings. I know that he is going to go ahead, as he has said, in holding the hearings. But I do not think I would want to change the language right now, because the House has passed this. We are on the verge now of passing the total bill.

One more argument: The Court said in the Rowan case of May 4, 1970, that the definition can be broader. I think that if this had been offered 10 years ago, one could possibly make a plausible argument embracing the whole field of art and parts of what might be called pornographic, parts which might not be. But I am not particularly aiming this at that. I am aiming it at sexually oriented advertising that has no reference to the historic statues in Cambodia or the Buddhist temples or anything like that, just the smut that we get through the mails. If someone asked me, "How can you define it?" I am a pretty broadminded man and I have been through quite a bit in my life and, by golly, if I do not know what smut is by this time, I will never know. I think I know.

Mr. JAVITS. I hope very much that the manager of the bill, when he gets this in conference, will be able to pay attention to the procedure set forth in it and the fact that there is criminality involved, and constitutional holdings, and will endeavor to fashion a provision which will not all go down the drain because of the holding of the Court.

Mr. GOLDWATER. I thank the Senator very much.

Mr. President, I ask unanimous consent to have the names of the Senator from Mississippi (Mr. EASTLAND), the Senator from Iowa (Mr. MILLER), and the Senator from West Virginia (Mr. BYRD) added as cosponsors of this amendment.

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

Mr. MURPHY. Mr. President, I think that the Senator from New York has made an important point here, that the legalistic aspect of this must be considered. I am so pleased that the Senator from Arizona has proposed this in the Senate at this time. It is not a matter to be decided by lawyers, as I see it. Not being a lawyer, I may be a little bit biased, but this is a measure to protect what has obviously been the general desire, design, and will of a great majority of our people. This is a matter of the invasion of their homes. The Senator's amendment would protect the invasion of their homes from this unwanted material. I think that maybe the master of the home and those in the home should be considered for a change as to what they consider to be pornographic. I agree that there are many classics which may be involved and some of them are pornographic without question, but I also think that the general feeling will be that the Senator from Arizona has rendered a great service to the people of this country. Lawyers may discuss this for many years to come, but I think the popularity of the vote on the amendment that will be cast here tonight will show its true value.

Mr. GOLDWATER. Mr. President, I thank the Senator from California. Let me say that this goes two ways. Those who want this kind of mail can get it. The amendment protects those who do not want it. So, if one wishes his name left on the list, he does not have to say anything about it.

Mr. COOK. Mr. President, I agree in many respects with the remarks of the Senator from New York. I hope that the short colloquy this evening will create some legislative history, because up until now we have had no more than a constitutional determination. I hope that the colloquy will set legislative guidelines for the Court in regard to this situation, because up until now we have had none.

I can well assume by the number of votes that I think will be cast for the amendment that we might, in fact, be establishing some serious legislative history for the Court to determine, because up until now it has had no more than to interpret the Constitution, with no help from legislative history, and with no help from legislative discussion in regard to this matter.

I hope that, rather than to be critical of the Court, we will be able to give the Court a little assistance in regard to how Members of the Senate feel on this subject, so that if it comes before them again, they will have not only an interpretation of the Constitution but also will be able to rely on some legislative history with regard to how the Senate feels in regard to the matter.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the Senator from South Carolina (Mr. THURMOND) be added as a cosponsor of my amendment.

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

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arizona will state it.

Mr. GOLDWATER. How much time do I have left?

The PRESIDING OFFICER. Two minutes remain to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the Senator from Delaware (Mr. WILLIAMS) be added as a cosponsor of my amendment.

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

Mr. MANSFIELD. Mr. President, I want to say that I am in accord with the arguments of the distinguished Senator from Arizona. If anyone wants to receive this kind of mail, it is their business. What is clear is that it should not be forced upon them in their homes, as has been the case all too often—at least in my State.

Let me say, in all modesty, that I too have introduced a bill dealing with this problem through the mails. It would eliminate the problem first by requiring the mailer to imprint a warning on the envelope or cover the mail he sends. Second, the receiver of such mail could return it to the sender and there would be a penalty service charge imposed against the mailer. The distinguished chairman of the committee has stated that as soon as this particular proposal—postal reform—is disposed of, he would begin hearings on my bill.

As a matter of fact, he is a cosponsor of that bill.

I should like to ask the distinguished Senator from Arizona, to kindly include me as a cosponsor of his amendment.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the Senator from Montana (Mr. MANSFIELD) be added as a cosponsor of the amendment.

Mr. SCOTT. Mr. President, I also ask that my name be included.

Mr. GOLDWATER. And the distinguished minority leader from Pennsylvania as well.

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

Mr. GOLDWATER. Mr. President, seldom have I been in such distinguished company. [Laughter.]

Mr. YARBOROUGH. Mr. President, will the Senator from Arizona yield to me to include my name as a cosponsor of his amendment?

Mr. GOLDWATER. I shall be happy to do so. Mr. President, I ask unanimous

consent that the name of the Senator from Texas (Mr. YARBOROUGH) be added as a cosponsor of my amendment; also the Senator from Illinois (Mr. SMITH).

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

THE PUBLIC DEBT LIMIT

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, will the Senator from Wyoming yield to me for not to exceed 5 minutes, without the time being taken out of his time?

Mr. McGEE. I am happy to yield to the Senator from Montana for that purpose.

Mr. MANSFIELD. Mr. President, if I may have the attention of the Senate.

Mr. President, the joint leadership has been meeting with the chairman of the Finance Committee and other Members from the Democratic side and the ranking Republican Member and other Members on the Republican side. Out of that discussion has come an agreement which I am now about to propound in the form of a unanimous-consent request.

Mr. President, I ask unanimous consent that, when the Senate proceeds to the consideration of H.R. 17802, a bill to increase the public debt ceiling, debate on each amendment be limited to 20 minutes, with the exception of the Williams of Delaware amendment and the Curtis amendment, on which debate will be limited to 40 minutes; with debate on the bill limited to 1 hour, time on amendments to be equally divided and controlled by the proponent of the amendment and the manager of the bill, the Senator from Louisiana (Mr. LONG); and on the bill, the time to be divided between the majority and minority leaders, or whomever they shall designate; and provided further, that if any amendment prevails, the Senate proceed immediately upon the final passage of H.R. 17802 to the consideration of H.R. 14956, to which a 15-day extension on the debt ceiling will be offered, and that debate on that bill and the amendment will be limited to 1 hour, to be equally divided and controlled by the majority and minority leaders; and, further, that no other amendments will be in order to said bill other than the amendment dealing with the 15-day extension.

The PRESIDING OFFICER (Mr. PACKWOOD). Is there objection to the request of the Senator from Montana?

Mr. MILLER. Mr. President, the Senator from Montana knows that I have an amendment offered to the last-named bill in the unanimous-consent request.

Mr. MANSFIELD. Yes. That is what we referred to.

Mr. MILLER. I must say that the amendment which relates to the continuation of the 5-percent surcharge is one that is quite timely and I hope that the majority leader would be cooperative when another vehicle comes along, so that we might have the opportunity to consider the continuation of this 5-cent surcharge proposal.

Mr. MANSFIELD. The Senator has the assurance of the joint leadership, once again, that we are doing everything in our power and will continue to do so because the Senator is making a sacrifice, in part, at least, to allow us to reach an agreement on the debt ceiling bill.

Mr. MILLER. I appreciate that, but let me say that I am not making any kind of sacrifice commensurate with the problem that the distinguished majority leader is trying to work out.

Mr. MANSFIELD. I understand that. I understand that in committee the Senator was interested very much in the proposal.

Mr. SCOTT. I should like to say that we appreciate the forbearance on the part of the Senator from Iowa in his willingness to address his reservations regarding a particular bill, and it would be the obligation of the joint leadership to protect him and to make sure that he will have that opportunity to propose his amendment on some other bill.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object, I join in assuring the Senator from Iowa that we will try to make sure that he gets his day in court, because he is entitled to it. I have appreciated, with his cooperation, that we have been able to work this out, because in so doing, we can get a modified vote referred to in the amendments of the Senator from Nebraska and my own. I think Senators know that if one of the amendments carries, the fact that it would be in conference would not delay the enactment or extension of the bill.

I appreciate the cooperation of the leadership here as well as the cooperation of the leadership in the House.

Mr. MANSFIELD. Mr. President, I thank the Senator from Delaware.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request of the Senator from Montana? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, again, for the information of the Senate, we may well be here late this evening. We will continue with as many amendments as we can to the pending legislation; and, at an appropriate time because of the emergency which exists, and it is an emergency, I understand, we will turn to the debt ceiling bill.

I thank the Senator from Wyoming, the Senator from Louisiana, the manager of that bill, and the ranking minority member.

The unanimous-consent agreement reads as follows:

Ordered, That during the consideration of the bill (H.R. 17802) to increase the public debt ceiling, debate on each amendment (except amendments to be offered by the Senator from Delaware (Mr. Williams) and the Senator from Nebraska (Mr. Curtis) on which there will be 40 minutes each) be limited to 20 minutes each, to be equally divided and controlled by the proponent of the amendment and the manager of the bill, the Senator from Louisiana (Mr. Long).

Ordered further, That debate on the bill be limited to 1 hour to be equally divided and controlled between the majority and minority leaders, or their designee.

Provided further, That if any amendment to the bill is agreed to the Senate will proceed immediately upon the final passage of H.R. 17802 to the consideration of H.R. 14956 to which a 15-day extension of the debt ceiling will be offered as an amendment and that debate of that bill and the amendment will be limited to 1 hour, to be equally divided and controlled by the majority and minority leaders, and that no other amendment to the said bill be in order.

THE POSTAL REORGANIZATION ACT

The Senate resumed the consideration of the bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes.

Mr. McGEE. Mr. President, I yield 2 minutes to the Senator from New York.

The PRESIDING OFFICER (Mr. PACKWOOD). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, I think it is helpful in understanding what we are doing if we may have a little attention. May we have order?

The PRESIDING OFFICER (Mr. PACKWOOD). The Senator will be in order.

Mr. JAVITS. Mr. President, the most classic definition, to which I referred in the colloquy with the Senator from Arizona (Mr. GOLDWATER), and this is the case of *Roth* v. *United States*, 356 U.S., at 476—reads:

> However, sex and obscenity are not synonymous. Obscene material is material which deals with sex in a manner appealing to prurient interest.[20]
>
> [20] *I.e.*, material having a tendency to excite lustful thoughts. Webster's New International Dictionary (Unabridged, 2d ed., 1940) defines *prurient*, in pertinent part, as follows: ". . . Itching; longing; uneasy with desire or longing; of persons, having itching, morbid, or lascivious longings; of desire, curiosity, or propensity, lewd. . . ."
>
> *Pruriency* is defined, in pertinent part, as follows:
>
> ". . . Quality of being prurient, lascivious desire or thought. . . ."
>
> See also *Mutual Film Corp.* v. *Industrial Comm'n*, 236 U.S. 230,

Page 484 of the opinion reads:

> But implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance.

This is an idea that I am sure will be much in the minds of reformers.

Mr. President, I ask unanimous consent that the entire opinion be printed in the RECORD in connection with the statement I have just read from the opinion of Judge Brennan.

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

[October term, 1956]

ROTH *v.* UNITED STATES

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

June 24, 1957.*

No. 582. Argued April 22, 1957.—Decided

1. In the *Roth* case, the constitutionality of 18 U.S.C. § 1461, which makes punishable the mailing of material that is "obscene, lewd, lascivious, or filthy . . . or other publication of an indecent character," and Roth's conviction thereunder for mailing an obscene book and obscene circulars and advertising, are sustained. Pp. 479–494.

2. In the *Alberts* case, the constitutionality of § 311 of West's California Penal Code Ann., 1955, which, *inter alia*, makes it a misdemeanor to keep for sale, or to advertise, material that is "obscene or indecent," and Alberts' conviction thereunder for lewdly keeping for sale obscene and indecent books and for writing, composing, and publishing an obscene advertisement of them, are sustained. Pp. 479–494.

3. Obscenity is not within the area of con-

stitutionally protected freedom of speech or press—either (1) under the First Amendment, as to the Federal Government, or (2) under the Due Process Clause of the Fourteenth Amendment, as to the States. Pp. 481–485.

(a) In the light of history, it is apparent that the unconditional phrasing of the First Amendment was not intended to protect every utterance. Pp. 482–483.

(b) The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people. Pp. 484.

(c) All ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guaranties, unless excludable because they encroach upon the limited area of more important interests; but implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance. Pp. 484–485.

4. Since obscenity is not protected, constitutional guaranties were not violated in these cases merely because, under the trial judges' instructions to the juries, convictions could be had without proof either that the obscene material would perceptibly create a clear and present danger of antisocial conduct, or probably would induce its recipients to such conduct. *Beauharnais* v. *Illinois*, 343 U.S. 250. Pp. 485–490.

(a) Sex and obscenity are not synonymous. Obscene material is material which deals with sex in a manner appealing to prurient interest—*i.e.*, material having a tendency to excite lustful thoughts. P. 487.

(b) It is vital that the standards for judging obscenity safeguard the protection of freedom of speech and press for material which does not treat sex in a manner appealing to prurient interest. Pp. 487–488.

(c) The standard for judging obscenity, adequate to withstand the charge of constitutional infirmity, is whether, to the average person, applying contemporary community standards, the dominant theme of the material, taken as a whole, appeals to prurient interest. Pp. 488–489.

(d) In these cases, both trial courts sufficiently followed the proper standard and used the proper definition of obscenity. Pp. 489–490.

5. When applied according to the proper standard for judging obscenity, 18 U.S.C. § 1461, which makes punishable the mailing of material that is "obscene, lewd, lascivious, or filthy . . . or other publication of an indecent character," does not (1) violate the freedom of speech or press guaranteed by the First Amendment, or (2) violate the constitutional requirements of due process by failing to provide reasonably ascertainable standards of guilt. Pp. 491–492.

6. When applied according to the proper standard for judging obscenity, § 311 of West's California Penal Code Assn. 1955, which, *inter alia*, makes it a misdemeanor to keep for sale or to advertise material that is "obscene or indecent," does not (1) violate the freedom of speech or press guaranteed by the Fourteenth Amendment against encroachment by the State, or (2) violate the constitutional requirements of due process by failing to provide reasonably ascertainable standards of guilt, 491–492.

7. The federal obscenity statute, 18 U.S.C. §1461, punishing the use of the mails for obscence material, is a proper exercise of the postal power delegated to Congress by Art. I, § 8, cl. 7; and it does not unconstitutionally encroach upon the powers reserved to the States by the Ninth and Tenth Amendments. Pp. 492–493.

8. The California obscenity statute here involved is not repugnant to Art. I, § 8, cl. 7, since it does not impose a burden upon, or interfere with, the federal postal functions—even when applied to a mail-order business. Pp. 493–494.

237 F.2d 796, affirmed.

138 Cal. App. 2d Supp. 909, 292, P.2d 90, affirmed.

David von G. Albrecht and *O. John Rogge* argued the cause for petitioner in No. 582. With them on the brief were *David P. Siegel, Peter Belsito* and *Murray A. Gordon.*

Stanley Fleishman argued the cause for appellant in No. 61. With him on the brief were *Sam Rosenwein* and *William B. Murrish.*

Roger D. Fisher argued the cause for the United States in No. 582. With him on the brief were *Solicitor General Rankin* and *Assistant Attorney General Olney.*

Fred N. Whichello and *Clarence A. Linn*, Assistant Attorney General of California, argued the cause for appellee in No. 61. With them on the brief were *Edmund G. Brown*, Attorney General, *William B. McKesson* and *Lewis Watnick.*

Briefs of *amici curiae* urging reversal were filed in No. 582 by *Morris L. Ernst, Harriett F. Pilpel* and *Nancy F. Wechsler*, for Ernst, *Irwin Karp* and *Osmond K. Fraenkel*, for the Authors League of America, Inc., *Abe Fortas, William L. McGovern, Abe Krash* and *Maurice Rosenfield*, for the Greenleaf Publishing Co. et al., *Horace S. Manges*, for the American Book Publishers Council, Inc., and *Emanuel Redfield*, for the American Civil Liberties Union.

A. L. Wirin filed a brief for the American Civil Liberties Union, Southern California Branch, as *amicus curiae*, in support of appellant in No. 61.

MR. JUSTICE BRENNAN delivered the opinion of the Court.

The constitutionality of a criminal obscenity statute is the question in each of these cases. In *Roth*, the primary constitutional question is whether the federal obscenity statute [1] violate the provision of the First Amendment that "Congress shall make no law . . . abridging the freedom of speech, or of the press . . . ." In *Alberts*, the primary constitutional question is whether the obscenity provisions of the California Penal Code [2] invade the freedoms of speech and press as they may be incorporated in the liberty protected from state action by the Due Process Clause of the Fourteenth Amendment.

Other constitutional questions are: whether these statutes violate due process,[3] because too vague to support conviction for crime; whether power to punish speech and press offensive to decency and morality is in the States alone, so that the federal obscenity statute violates the Ninth and Tenth Amendments (raised in *Roth*); and whether Congress, by enacting the federal obscenity statute, under the power delegated by Art. I, § 8, cl. 7, to establish post offices and post roads, pre-empted the regulation of the subject matter (raised in *Alberts*).

Roth conducted a business in New York in the publication and sale of books, photographs and magazines. He used circulars and advertising matter to solicit sales. He was convicted by a jury in the District Court for the Southern District of New York upon 4 counts of a 26-count indictment charging him with mailing obscene circulars and advertising, and an obscene book, in violation of the federal obscenity statute. His conviction was affirmed by the Court of Appeals for the Second Circuit.[4] We granted certiorari.[5]

Alberts conducted a mail-order business from Los Angeles. He was convicted by the Judge of the Municipal Court of the Beverly Hills Judicial District (having waived a jury trial) under a misdemeanor complaint which charged him with lewdly keeping for sale obscene and indecent books, and with writing, composing and publishing an obscene advertisement of them, in violation of the California Penal Code. The conviction was affirmed by the Appellate Department of the Superior Court of the State of California in and for the County of Los Angeles.[6] We noted probable jurisdiction.[7]

The dispositive question is whether obscenity is utterance within the area of protected speech and press.[8] Alhough this is the first time the question has been squarely presented to this Court, either under the First Amendment or under the Fourteenth Amendment, expressions found in numerous opinions indicate that this Court has always assumed that obscenity is not protected by the freedoms of speech and press. *Ex parte Jackson*, 96 U.S. 727, 736–737; *United States* v. *Chase*, 135 U.S. 255, 261; *Robertson* v. *Baldwin*, 165 U.S. 275, 281; *Public Clearing House* v. *Coyne*, 194 U.S. 497, 508; *Hoke* v. *United States*, 227 U.S. 308, 322; *Near* v. *Minnesota*, 283 U.S. 697, 716; *Chaplinsky* v. *New Hampshire*, 315 U.S. 568, 571–572; *Hannegan* v. *Esquire, Inc.*, 327 U.S. 146, 158; *Winters* v. *New York*, 333 U.S. 507, 510; *Beauharnais* v. *Illinois*, 343 U.S. 250, 266.[9]

The guaranties of freedom of expression [10] in effect in 10 of the 14 States which by 1972 had ratified the Constitution, gave no absolute protection for every utterance. Thirteen of the 14 States provided for the prosecution of libel,[11] and all of those States made either blasphemy or profanity, or both, statutory crimes.[12] As early as 1712, Massachusetts made it criminal to publish "any filthy, obscene, or profane song, pamphlet, libel or mock sermon" in imitation or mimicking of religious services. Acts and Laws of the Province of Mass. Bay, c. CV, § 8 (1712), Mass. Bay Colony Charters & Laws 399 (1814). Thus, profanity and obscenity were related offenses.

In light of this history, it is apparent that the unconditional phrasing of the First Amendment was not intended to protect every utterance. This phrasing did not prevent this Court from concluding that libelous utterances are not within the area of constitutionally protected speech. *Beauharnais* v. *Illinois*, 343 U. S. 250, 266. At the time of the adoption of the First Amendment, obscenity law was not as fully developed as libel law, but there is sufficiently contemporaneous evidence to show that obscenity, too, was outside the protection intended for speech and press.[13]

The protection given speech and press was fashioned to assure unfettered interchange of ideas for the bringing about of political and social changes desired by the people. This objective was made explicit as early as 1774 in a letter of the Continental Congress to the inhabitants of Quebec:

"The last right we shall mention, regards the freedom of the press. The importance of this consists, besides the advancement of truth, science, morality, and arts in general, in its diffusion of liberal sentiments on the administration of Government, its ready communication of thoughts between subjects, and its consequential promotion of union among them, whereby oppressive officers are shamed or intimidated, into more honourable and just modes of conducting affairs." 1 Journals of the Continental Congress 108 (1774).

All ideas having even the slightest redeeming social importance—unorthodox ideas, controversial ideas, even ideas hateful to the prevailing climate of opinion—have the full protection of the guaranties, unless excludable because they encroach upon the limited area of more important interests.[14] But the implicit in the history of the First Amendment is the rejection of obscenity as utterly without redeeming social importance. This rejection for that reason is mirrored in the universal judgment that obscenity should be restrained, reflected in the international agreement of over 50 nations,[15] in the obscenity laws of all of the 48 States,[16] and in the 20 obscenity laws enacted by the Congress from 1842 to 1956.[17] This is the

Footnotes at end of article.

same judgment expressed by this Court in *Chaplinsky* v. *New Hampshire*, 315 U.S. 568, 571–572:

". . . There are certain well-defined and narrowly limited classes of speech, the prevention and punishment of which have never been thought to raise any Constitutional problem. *These include the lewd and obscene. . . . It has been well observed that such utterances are no essential part of any exposition of ideas, and are of such slight social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality. . . .*" (Emphasis added.)

We hold that obscenity is not within the area of constitutionally protected speech or press.

It is strenuously urged that these obscenity statutes offend the constitutional guaranties because they punish incitation to impure sexual *thoughts*, not shown to be related to any overt antisocial conduct which is or may be incited in the persons stimulated to such *thoughts*. In *Roth*, the trial judge instructed the jury: "The words 'obscene, lewd and lascivious' as used in the law, signify that form of immorality which has relation to sexual impurity and has a tendency to excite lustful *thoughts*." (Emphasis added.) In *Alberts*, the trial judge applied the test laid down in *People* v. *Wepplo*, 78 Cal. App. 2d Supp. 959, 178 P. 2d 853, namely, whether the material has "a substantial tendency to deprave or corrupt its readers by inciting lascivious *thoughts* or arousing lustful desires." (Emphasis added.) It is insisted that the constitutional guaranties are violated because convictions may be had without proof either that obscene material will perceptibly create a clear and present danger of antisocial conduct,[18] or will probably induce its recipients to such conduct.[19] But, in light of our holding that obscenity is not protected speech, the complete answer to this argument is in the holding of this Court in *Beauharnais* v. *Illinois*, *supra*, at 266:

"Libelous utterances not being within the area of constitutionally protected speech, it is unnecessary, either for us or for the State courts, to consider the issues behind the phrase 'clear and present danger.' Certainly no one would contend that obsence speech, for example, may be punished only upon a showing of such circumstances. Libel, as we have seen, is in the same class."

However, sex and obscenity are not synonymous. Obscene material is material which deals with sex in a manner appealing to prurient interest.[20] The portrayal of sex, *e.g.*, in art, literature and scientific works,[21] is not itself sufficient reason to deny material the constitutional protection of freedom of speech and press. Sex, a great and mysterious motive force in human life, has indisputably been a subject of absorbing interest to mankind through the ages; it is one of the vital problems of human interest and public concern. As to all such problems, this Court said in *Thornhill* v. *Alabama*, 310 U.S. 88, 101–102:

"The freedom of speech and of the press guaranteed by the Constitution embraces at the least the liberty to discuss publicly and truthfully *all matters of public concern* without previous restraint or fear of subsequent punishment. The exigencies of the colonial period and the efforts to secure freedom from oppressive administration developed a broadened conception of these liberties as adequate to supply the public need for *information and education with respect to the significant issues of the times*. . . . Freedom of discussion, if it would fulfill is historic function in this nation, must embrace *all issues about which information is needed or appropriate to enable the members of society to cope with the exigencies of their period*." (Emphasis added.)

The fundamental freedoms of speech and press have contributed greatly to the development and well-being of our free society and are indispensable to its continued growth.[22] Ceaseless vigilance is the watchword to prevent their erosion by Congress or by the States. The door barring federal and state intrusion into this area cannot be left ajar; it must be kept tightly closed and opened only the slightest crack necessary to prevent encroachment upon more important interests.[23] It is therefore vital that the standards for judging obscenity safeguard the protection of freedom of speech and press for material which does not treat sex in a manner appealing to prurient interest.

The early leading standard of obscenity allowed material to be judged merely by the effect of an isolated excerpt upon particularly susceptible persons. *Regina* v. *Hicklin*, [1868] L. R. 3 Q. B. 360.[24] Some American courts adopted this standard [25] but later decisions have rejected it and substituted this test: whether to the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to prurient interest.[26] The *Hicklin* test, judging obscenity by the effect of isolated passages upon the most susceptible persons, might well encompass material legitimately treating with sex, and so it must be rejected as unconstitutionally restrictive of the freedoms of speech and press. On the other hand, the substituted standard provides safeguards adequate to withstand the charge of constitutional infirmity.

Both trial courts below sufficiently followed the proper standard. Both courts used the proper definition of obscenity. In addition, in the *Alberts* case, in ruling on a motion to dismiss, the trial judge indicated that, as the trier of facts, he was judging each item as a whole as it would affect the normal person,[27] and in *Roth*, the trial judge instructed the jury as follows:

". . . The test is not whether it would arouse sexual desires or sexual impure thoughts in those comprising a particular segment of the community, the young, the immature or the highly prudish or would leave another segment, the scientific or highly educated or the so-called worldly-wise and sophisticated indifferent and unmoved. . . .

"The test in each case is the effect of the book, picture or publication considered as a whole, not upon any particular class, but upon all those whom it is likely to reach. In other words, you determine its impact upon the average person in the community. The books, pictures and circulars must be judged as a whole, in their entire context, and you are not to consider detached or separate portions in reaching a conclusion. You judge the circulars, pictures and publications which have been put in evidence by present-day standards of the community. You may ask yourselves does it offend the common conscience of the community by present-day standards.

* * * * *

"In this case, ladies and gentlemen of the jury, you and you alone are the exclusive judges of what the common conscience of the community is, and in determining that conscience you are to consider the community as a whole, young and old, educated and uneducated, the religious and the irreligious—men, women and children."

It is argued that the statutes do not provide reasonably ascertainable standards of guilt and therefore violate the constitutional requirements of due process. *Winters* v. *New York*, 333 U.S. 507. The federal obscenity statute makes punishable the mailing of material that is "obscene, lewd, lascivious, or filthy . . . or other publication of an indecent character." [28] The California statute makes punishable, *inter alia*, the keeping for sale or advertising material that is "obscene or indecent." The thrust of the argument is that these words are not sufficiently precise because they do not mean the same thing to all people, all the time, everywhere.

Many decisions have recognized that these terms of obscenity statutes are not precise.[29] This Court, however, has consistently held that lack of precision is not itself offensive to the requirements of due process. ". . . [T]he Constitution does not require impossible standards"; all that is required is that the language "conveys sufficiently definite warning as to the proscribed conduct when measured by common understanding and practices. . . ." *United States* v. *Petrillo*, 332 U.S. 1, 7–8. These words, applied according to the proper standard for judging obscenity, already discussed, give adequate warning of the conduct proscribed and mark ". . . boundaries sufficiently distinct for judges and juries fairly to administer the law. . . . That there may be marginal cases in which it is difficult to determine the side of the line on which a particular fact situation falls is no sufficient reason to hold the language too ambiguous to define a criminal offense. . . ." *Id.*, at 7. See also *United States* v. *Harriss*, 347 U.S. 612, 624, n. 15; *Boyce Motor Lines, Inc.* v. *United States*, 342 U.S. 337, 340; *United States* v. *Ragen*, 314 U.S. 513, 523–524; *United States* v. *Wurzbach*, 280 U.S. 396; *Hygrade Provision Co.* v. *Sherman*, 266 U.S. 497; *Fox* v. *Washington*, 236 U.S. 273; *Nash* v. *United States*, 229 U.S. 373.[30]

In summary, then, we hold that these statutes, applied according to the proper standard for judging obscenity, do not offend constitutional safeguards against convictions based upon protected material, or fail to give men in acting adequate notice of what is prohibited.

Roth's argument that the federal obscenity statute unconstitutionally encroaches upon the powers reserved by the Ninth and Tenth Amendments to the States and to the people to punish speech and press where offensive to decency and morality is hinged upon his contention that obscenity is expression not excepted from the sweep of the provision of the First Amendment that *"Congress* shall make *no law* . . . abridging the freedom of speech, or of the press. . . ." (Emphasis added.) That argument falls in light of our holding that obscenity is not expression protected by the First Amendment.[31] We therefore hold that the federal obscenity statute punishing the use of the mails for obscene material is a proper exercise of the postal power delegated to Congress by Art. I, § 8, cl. 7.[32] In *United Public Workers* v. *Mitchell*, 330 U.S. 75, 95–96, this Court said:

". . . The powers granted by the Constitution to the Federal Government are subtracted from the totality of sovereignty originally in the states and the people. Therefore, when objection is made that the exercise of a federal power infringes upon rights reserved by the Ninth and Tenth Amendments, the inquiry must be directed toward the granted power under which the action of the Union was taken. If granted power is found, necessarily the objection of invasion of those rights, reserved by the Ninth and Tenth Amendments, must fail. . . ."

Alberts argues that because his was a mail-order business, the California statute is repugnant to Art. I, § 8, cl. 7, under which the Congress allegedly pre-empted the regulatory field by enacting the federal obscenity statute punishing the mailing or advertising by mail of obscene material. The federal statute deals only with actual mailing; it does not eliminate the power of the state to punish "keeping for sale" or "advertising" obscene material. The state statute in no way imposes a burden or interferes with the federal postal functions. ". . . The decided cases which indicate the limits of state regulatory power in relation to the federal mail service

Footnotes at end of article.

involve situations where state regulation involved a direct, physical interference with federal activities under the postal power or some direct, immediate burden on the performance of the postal functions. . . ." *Railway Mail Assn.* v. *Corsi*, 326 U.S. 88, 96.

The judgments are

Affirmed.

Mr. CHIEF JUSTICE WARREN, concurring in the result.

I agree with the result reached by the Court in these cases, but, because we are operating in a field of expression and because broad language used here may eventually be applied to the arts and sciences and freedom of communication generally, I would limit our decision to the facts before us and to the validity of the statutes in question as applied.

Appellant Alberts was charged with wilfully, unlawfully and lewdly disseminating obscene matter. Obscenity has been construed by the California courts to mean having a substantial tendency to corrupt by arousing lustful desires. *People* v. *Wepplo*, 78 Cal. App. 2d Supp. 959, 178 P. 2d 853. Petitioner Roth was indicted for unlawfully, wilfully and knowingly mailing obscene material that was calculated to corrupt and debauch the minds and morals of those to whom it was sent. Each was accorded all the protections of a criminal trial. Among other things, they contend that the statutes under which they were convicted violate the constitutional guarantees of freedom of speech, press and communication.

That there is a social problem presented by obscenity is attested by the expression of the legislatures of the forty-eight States as well as the Congress. To recognize the existence of a problem, however, does not require that we sustain any and all measures adopted to meet that problem. The history of the application of laws designed to suppress the obscene demonstrates convincingly that the power of government can be invoked under them against great art or literature, scientific treatises, or works exciting social controversy. Mistakes of the past prove that there is a strong countervailing interest to be considered in the freedoms guaranteed by the First and Fourteenth Amendments.

The line dividing the salacious of pornographic from literature or science is not straight and unwavering. Present laws depend largely upon the effect that the materials may have upon those who receive them. It is manifest that the same object may have a different impact, varying according to the part of the community it reached. But there is more to these cases. It is not the book that is on trial; it is a person. The conduct of the defendant is the central issue, not the obscenity of a book or picture. The nature of the materials is, of course, relevant as an attribute of the defendant's conduct, but the materials are thus placed in context from which they draw color and character. A wholly different result might be reached in a different setting.

The personal element in these cases is seen most strongly in the requirement of *scienter*. Under the California law, the prohibited activity must be done "wilfully and lewdly." The federal statute limits the crime to acts done "knowingly." In his charge to the jury, the district judge stated that the matter must be "calculated" to corrupt or debauch. The defendants in both these cases were engaged in the business of purveying textual or graphic matter openly advertised to appeal to the erotic interest of their customers. They were plainly engaged in the commercial exploitation of the morbid and shameful craving for materials with prurient effect. I believe that the State and Federal Governments can constitutionally punish such conduct. That is all that these cases present to us, and that is all we need to decide.

Footnotes at end of article.

I agree with the Court's decision in its rejection of the other contentions raised by these defendants.

Mr. JUSTICE HARLAN, concurring in the result in No. 61, and dissenting in No. 582.

I regret not to be able to join the Court's opinion. I cannot do so because I find lurking beneath its disarming generalizations a number of problems which not only leave me with serious misgivings as to the future effect of today's decisions, but which also, in my view, call for different results in these two cases.

I.

My basic difficulties with the Court's opinion are threefold. First, the opinion paints with such a broad brush that I fear it may result in a loosening of the tight reins which state and federal courts should hold upon the enforcement of obscenity statutes. Second, the Court fails to discriminate between the different factors which, in my opinion, are involved in the constitutional adjudication of state and federal obscenity cases. Third, relevant distinctions between the two obscenity statutes here involved, and the Court's own definition of "obscenity," are ignored.

In final analysis, the problem presented by these cases is how far, and on what terms, the state and federal governments have power to punish individuals for disseminating books considered to be undesirable of their nature or supposed deleterious effect upon human conduct. Proceeding from the premise that "no issue is presented in either case, concerning the obscenity of the material involved," the Court finds the "dispositive question" to be "whether obscenity is utterance within the area of protected speech and press," and then holds that "obscenity is not protected because it is "utterly without redeeming social importance." This sweeping formula appears to me to beg the very question before us. The Court seems to assume that "obscenity" is a peculiar *genus* of "speech and press," which is as distinct, recognizable, and classifiable as poison ivy is among other plants. On this basis the *constitutional* question before us simply becomes, as the Court says, whether "obscenity," as an abstraction, is protected by the First and Fourteenth Amendments, and the question whether a *particular* book may be suppressed becomes a mere matter of classification, of "fact," to be entrusted to a factfinder and insulated from independent constitutional judgment. But surely the problem cannot be solved in such a generalized fashion. Every communication has an individuality and "value" of its own. The suppression of a particular writing or other tangible form of expression is, therefore, an *individual* matter, and in the nature of things every such suppression raises an individual constitutional problem, in which a reviewing court must determine for *itself* whether the attacked expression is suppressable within constitutional standards. Since those standards do not readily lend themselves to generalized definitions, the constitutional problem in the last analysis becomes one of particularized judgments which appellate courts must make for themselves.

I do not think that reviewing courts can escape this responsibility by saying that the trier of the facts, be it a jury or a judge, has labeled the questioned matter as "obscene," for, if "obscenity" is to be suppressed, the question whether a particular work is of that character involves not really an issue of fact but a question of constitutional *judgment* of the most sensitive and delicate kind. Many juries might find that Joyce's "Ulysses" or Bocaccio's "Decameron" was obscene, and yet the conviction of a defendant for selling either book would raise, for me, the gravest constitutional problems, for no such verdict could convince me, without more, that these books are "utterly without redeeming social importance." In short, I do not understand how the Court can resolve the constitutional problems now before it without making its own independent judgment upon the character of the material upon which these convictions were based. I am very much afraid that the broad manner in which the Court has decided these cases will tend to obscure the peculiar responsibilities resting on state and federal courts in this field and encourage them to rely on easy labeling and jury verdicts as a substitute for facing up to the tough individual problems of constitutional judgment involved in every obscenity case.

My second reason for dissatisfaction with the Court's opinion is that the broad strides with which the Court has proceeded has led it to brush aside with perfunctory case the vital constitutional considerations which, in my opinion, differentiate these two cases. It does not seem to matter to the Court that in one case we balance the power of a State in this field against the restrictions of the Fourteenth Amendment, and in the other the power of the Federal Government against the limitations of the First Amendment. I deal with this subject more particularly later.

Thirdly, the Court has not been bothered by the fact that the two cases involve different statutes. In California the book must have a "tendency to deprave or corrupt its readers"; under the federal statute it must tend "to stir sexual impulses and lead to sexually impure thoughts."[33] The two statutes do not seem to me to present the same problems. Yet the Court compounds confusion when it superimposes on these two statutory definitions a third, drawn from the American Law Institute's Model Penal Code, Tentative Draft No. 6: "A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest." The bland assurance that this definition is the same as the ones with which we deal flies in the face of the authors' express rejection of the "deprave and corrupt" and "sexual thoughts" tests:

"Obscenity [in the Tentative Draft] is defined in terms of material which appeals predominantly to prurient interest in sexual matters and which goes beyond customary freedom of expression in these matters. We reject the prevailing test of tendency to arouse lustful thoughts or desires because it is unrealistically broad for a society that plainly tolerates a great deal of erotic interest in literature, advertising, and art, and because regulation of thought or desire, unconnected with overt misbehavior, raises the most acute constitutional as well as practical difficulties. We likewise reject the common definition of obscene as that which 'tends to corrupt or debase.' If this means anything different from tendency to arouse lustful thought and desire, it suggests that change of character or actual misbehavior follows from contact with obscenity. Evidence of such consequences is lacking. . . . On the other hand, 'appeal to prurient interest' refers to qualities of the material itself: the capacity to attract individuals eager for a forbidden look. . . ."[34]

As this passage makes clear, there is a significant distinction between the definitions used in the prosecutions before us, and the American Law Institute formula. If, therefore, the latter is the correct standard, as my Brother BRENNAN elsewhere intimates,[35] then these convictions should surely be reversed. Instead, the Court merely assimilates the various tests into one indiscriminate potpourri.

I now pass to the consideration of the two cases before us.

II.

I concur in the judgment of the Court in No. 61, *Alberts* v. *California*.

The question in this case is whether the defendant was deprived of liberty without due process of law when he was convicted for selling certain materials found by the judge to be obscene because they would

have a "tendency to deprave or corrupt its readers by exciting lascivious thoughts or arousing lustful desire."

In judging the constitutionality of this conviction, we should remember that our function in reviewing state judgments under the Fourteenth Amendment is a narrow one. We do not decide whether the policy of the State is wise, or whether it is based on assumptions scientifically substantiated. We can inquire only whether the state action so subverts the fundamental liberties implicit in the Due Process Clause that it cannot be sustained as a national exercise of power. See Jackson, J., dissenting in *Beauharnais* v. *Illinois*, 343 U.S. 250, 287. The States' power to make printed words criminal is, of course, confined by the Fourteenth Amendment, but only insofar as such power is inconsistent with our concepts of "ordered liberty." *Palko* v. *Connecticut*, 302 U.S. 319, 324–325.

What, then, is the purpose of this California statute? Clearly the state legislature has made the judgment that printed words *can* "deprave or corrupt" the reader—that words can incite to antisocial or immoral action. The assumption seems to be that the distribution of certain types of literature will induce criminal or immoral sexual conduct. It is well known, of course, that the validity of this assumption is a matter of dispute among critics, sociologists, psychiatrists, and penologists. There is a large school of thought, particularly in the scientific community, which denies any casual connection between the reading of pornography and immorality, crime, or delinquency. Others disagree. Clearly it is not our function to decide this question. That function belongs to the state legislature. Nothing in the Constitution requires California to accept as truth the most advanced and sophisticated psychiatric opinion. It seems to me clear that it is not irrational, in our present state of knowledge, to consider that pornography can induce a type of sexual conduct which a State may deem obnoxious to the moral fabric of society. In fact the very division of opinion on the subject counsels us to respect the choice made by the State.

Furthermore, even assuming that pornography cannot be deemed ever to cause, in an immediate sense, criminal sexual conduct, other interests within the proper cognizance of the States may be protected by the prohibition placed on such materials. The State can reasonably draw the inference that over a long period of time the indiscriminate dissemination of materials, the essential character of which is to degrade sex, will have an eroding effect on moral standards. And the State has a legitimate interest in protecting the privacy of the home against invasion of unsolicited obscenity.

Above all stands the realization that we deal here with an area where knowledge is small, data are insufficient, and experts are divided. Since the domain of sexual morality is pre-eminently a matter of state concern, this Court should be slow to interfere with state legislation calculated to protect that morality. It seems to me that nothing in the broad and flexible command of the Due Process Clause forbids California to prosecute one who sells books whose dominant tendency might be to "deprave or corrupt" a reader. I agree with the Court, of course, that the books must be judged as a whole and in relation to the normal adult reader.

What has been said, however, does not dispose of the case. It still remains for us to decide whether the state court's determination that this material should be suppressed is consistent with the Fourteenth Amendment; and that, of course, presents a federal question as to which we, and not the state court, have the ultimate responsibility. And so, in the final analysis, I concur in the judgment because, upon an independent perusal of the material involved, and in light of the considerations discussed above, I cannot say that its suppression would so interfere with the communication of "ideas" in any proper sense of that term that it would offend the Due Process Clause. I therefore agree with the Court that appellant's conviction must be affirmed.

III

I dissent in No. 582, *Roth* v. *United States*.

We are faced here with the question whether the federal obscenity statute, as construed and applied in this case, violates the First Amendment to the Constitution. To me, this question is of quite a different order than one where we are dealing with state legislation under the Fourteenth Amendment. I do not think it follows that state and federal powers in this area are the same, and that just because the State may suppress a particular utterance, it is automatically permissible for the Federal Government to do the same. I agree with Mr. Justice Jackson that the historical evidence does not bear out the claim that the Fourteenth Amendment "incorporates" the First in any literal sense. See *Beauharnais* v. *Illinois*, *supra*. But laying aside any consequences which might flow from that conclusion, cf. Mr. Justice Holmes in *Gitlow* v. *New York* 268 U.S. 652, 672 [36] I prefer to rest my views about this case on broader and less abstract grounds.

The Constitution differentiates between those areas of human conduct subject to the regulation of the States and those subject to the powers of the Federal Government. The substantive powers of the two governments, in many instances, are distinct. And in every case where we are called upon to balance the interest in free expression against other interests, it seems to me important that we should keep in the forefront the question of whether those other interests are state or federal. Since under our constitutional scheme the two are not necessarily equivalent, the balancing process must needs often produce different results. Whether a particular limitation on speech or press is to be upheld because it subserves a paramount governmental interest must, to a large extent, I think, depend on whether that government has, under the Constitution, a direct substantive interest, that is, the power to act, in the particular area involved.

The Federal Government has, for example, power to restrict seditious speech directed against it, because that Government certainly has the substantive authority to protect itself against revolution. Cf. *Pennsylvania* v. *Nelson*, 350 U.S. 497. But in dealing with obscenity we are faced with the converse situation, for the interests which obscenity statutes purportedly protect are primarily entrusted to the care, not of the Federal Government, but of the States. Congress has no substantive power over sexual morality. Such powers as the Federal Government has in this field are but incidental to its other powers, here the postal power, and are not of the same nature as those possessed by the States, which bear direct responsibility for the protection of the local moral fabric.[37] What Mr. Justice Jackson said in *Beauharnais*, *supra*, 343 U.S., at 294–295, about criminal libel is equally true of obscenity:

"The inappropriateness of a single standard for restricting State and Nation is indicated by the disparity between their functions and duties in relation to those freedoms. Criminality of defamation is predicated upon power either to protect the private right to enjoy integrity of reputation or the public right to tranquility. Neither of these are objects of federal cognizance except when necessary to the accomplishment of some delegated power . . . When the Federal Government puts liberty of press in one scale, it has a very limited duty to personal reputation or local tranquillity to weigh against it in the other. But state action affecting speech or press can and should be weighed against and reconciled with these conflicting social interests."

Not only is the federal interest in protecting the Nation against pornography attenuated, but the dangers of federal censorship in this field are far greater than anything the States may do. It has often been said that one of the great strengths of our federal system is that we have, in the forty-eight States, forty-eight experimental social laboratories. "State statutory law reflects predominantly this capacity of a legislature to introduce novel techniques of social control. The federal system has the immense advantage of providing forty-eight separate centers for such experimentation." [38] Different States will have different attitudes toward the same work of literature. The same book which is freely read in one State might be classed as obscene in another.[39] And it seems to me that no overwhelming danger to our freedom to experiment and to gratify our tastes in literature is likely to result from the suppression of a borderline book in one of the States, so long as there is no uniform nationwide suppression of the book, and so long as other States are free to experiment with the same or bolder books.

Quite a different situation is presented, however, where the Federal Government imposes the ban. The danger is perhaps not great if the people of one State, through their legislature, decide that "Lady Chatterley's Lover" goes so far beyond the acceptable standards of candor that it will be deemed offensive and non-sellable, for the State next door is still free to make its own choice. At least we do not have one uniform standard. But the dangers to free thought and expression are truly great if the Federal Government imposes a blanket ban over the Nation on such a book. The prerogative of the States to differ on their ideas of morality will be destroyed, the ability of States to experiment will be stunted. The fact that the people of one State cannot read some of the works of D. H. Lawrence seems to me, if not wise or desirable, at least acceptable. But that no person in the United States should be allowed to do so seems to me to be intolerable, and violative of both the letter and spirit of the First Amendment.

I judge this case, then, in view of what I think is the attenuated federal interest in this field, in view of the very real danger of a deadening uniformity which can result from nation-wide federal censorship, and in view of the fact that the constitutionality of this conviction must be weighed against the First and not the Fourteenth Amendment. So viewed, I do not think that this conviction can be upheld. The petitioner was convicted under a statute which, under the judge's charge,[40] makes it criminal to sell books which "tend to stir sexual impulses and lead to sexually impure thoughts." I cannot agree that any book which tends to stir sexual impulses and lead to sexually impure thoughts necessarily is "utterly without redeeming social importance." Not only did this charge fail to measure up to the standards which I understand the Court to approve, but as far as I can see, much of the great literature of the world could lead to conviction under such a view of the statute. Moreover, in no event do I think that the limited federal interest in this area can extend to mere "thoughts." The Federal Government has no business, whether under the postal or commerce power, to bar the sale of books because they might lead to any kind of "thoughts." [41]

It is no answer to say, as the Court does, that obscenity is not protected speech. The point is that this statute, as here construed, defines obscenity so widely that it encompasses matters which might very well be protected speech. I do not think that the federal statute can be constitutionally construed to reach other than what the Government has termed as "hard-core" por-

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nography. Nor do I think the statute can fairly be read as directed only at *persons* who are engaged in the business of catering to the prurient minded, even though their wares fall short of hard-core pornography. Such a statute would raise constitutional questions of a different order. That being so, and since in my opinion the material here involved cannot be said to be hard-core pornography, I would reverse this case with instructions to dismiss the indictment.

Mr. JUSTICE DOUGLAS, with whom Mr. JUSTICE BLACK concurs, dissenting.

When we sustain these convictions, we make the legality of a publication turn on the purity of thought which a book or tract instills in the mind of the reader. I do not think we can approve that standard and be faithful to the command of the First Amendment, which by its terms is a restraint on Congress and which by the Fourteenth is a restraint on the States.

In the *Roth* case the trial judge charged the jury that the statutory words "obscene, lewd and lascivious" describe "that form of immorality which has relation to sexual impurity and has a tendency to excite lustful thoughts." He stated that the term "filthy" in the statute pertains "to that sort of treatment of sexual matters in such a vulgar and indecent way, so that it tends to arouse a feeling of disgust and revulsion." He went on to say that the material "must be calculated to corrupt and debauch the minds and morals" of "the average person in the community," not those of any particular class. "You judge the circulars, pictures and publications which have been put in evidence by present-day standards of the community. You may ask yourselves does it offend the common conscience of the community by present-day standards."

The trial judge who, sitting without a jury, heard the *Alberts* case and the appellate court that sustained the judgment of conviction, took California's definition of "obscenity" from *People* v. *Wepplo*, 78 Cal. App. 2d Supp. 959, 961, 178 P. 2d 853, 855. That case held that a book is obscene "if it has a substantial tendency to deprave or corrupt its readers by inciting lascivious thoughts or arousing lustful desire."

By these standards punishment is inflicted for thoughts provoked, not for overt acts nor antisocial conduct. This test cannot be squared with our decisions under the First Amendment. Even the ill-starred *Dennis* case conceded that speech to be punishable must have some relation to action which could be penalized by government. *Dennis* v. *United States*, 341 U.S. 494, 502–511. Cf. Chafee, The Blessings of Liberty (1956), p. 69. This issue cannot be avoided by saying that obscenity is not protected by the First Amendment. The question remains, what is the constitutional test of obscenity?

The tests by which these convictions were obtained require only the arousing of sexual thoughts. Yet the arousing of sexual thoughts and desires happens every day in normal life in dozens of ways. Nearly 30 years ago a questionnaire sent to college and normal school women graduates asked what things were most stimulating sexually. Of 409 replies, 9 said "music"; 18 said "pictures"; 29 said "dancing"; 40 said "drama"; 95 said "books"; and 218 said "man." Alpert, Judicial Censorship of Obscene Literature, 52 Harv. L. Rev. 40, 73.

The test of obscenity the Court endorses today gives the censor free range over a vast domain. To allow the State to step in and punish mere speech or publication that the judge or the jury thinks has an *undesirable* impact on thoughts but that is not shown to be a part of unlawful action is drastically to curtail the First Amendment. As recently stated by two of our outstanding authorities on obscenity, "The danger of influencing a change in the current moral standards of the community, or of shocking or offending readers, or of stimulating sex thoughts or desires apart from objective conduct, can never justify the losses to society that result from interference with literary freedom." Lockhart & McClure, Literature, The Law of Obscenity, and the Constitution, 38 Minn. L. Rev. 295, 387.

If we were certain that impurity of sexual thoughts impelled to action, we would be on less dangerous ground in punishing the distributors of this sex literature. But it is by no means clear that obscene literature, as so defined, is a significant factor in influencing substantial deviations from the community standards.

"There are a number of reasons for real and substantial doubts as to the soundness of that hypothesis. (1) Scientific studies of juvenile delinquency demonstrate that those who get into trouble, and are the greatest concern of the advocates of censorship, are far less inclined to read than those who do not become delinquent. The delinquents are generally the adventurous type, who have little use for reading and other non-active entertainment. Thus, even assuming that reading sometimes has an adverse effect upon moral conduct, the effect is not likely to be substantial, for those who are susceptible seldom read. (2) Sheldon and Eleanor Glueck, who are among the country's leading authorities on the treatment and causes of juvenile delinquency, have recently published the results of a ten year study of its causes. They exhaustively studied approximately 90 factors and influences that might lead to or explain juvenile delinquency, but the Gluecks gave no consideration to the type of reading material, if any, read by the delinquents. This is, of course, consistent with their finding that delinquents read very little. When those who know so much about the problem of delinquency among youth—the very group about whom the advocates of censorship are most concerned—conclude that what delinquents read has so little effect upon their conduct that it is not worth investigating in an exhaustive study of causes, there is good reason for serious doubt concerning the basic hypothesis on which obscenity censorship is defended. (3) The many other influences in society that stimulate sexual desire are so much more frequent in their influence, and so much more potent in their effect, that the influence of reading is likely, at most, to be relatively insignificant in the composite of forces that lead an individual into conduct deviating from the community sex standards. The Kinsey studies show the minor degree to which literature serves as a potent sexual stimulant. And the studies demonstrating that sex knowledge seldom results from reading indicates [*sic*] the relative unimportance of literature in sex thoughts as compared with other factors in society." Lockhart & McClure, *op. cit. supra*, pp. 385–386.

The absence of dependable information on the effect of obscene literature on human conduct should make us wary. It should put us on the side of protecting society's interest in literature, except and unless it can be said that the particular publication has an impact on action that the government can control.

As noted, the trial judge in the *Roth* case charged the jury in the alternative that the federal obscenity statute outlaws literature dealing with sex which offends "the common conscience of the community." That standard is, in my view, more inimical still to freedom of expression.

The standard of what offends "the common conscience of the community" conflicts, in my judgment, with the command of the First Amendment that "Congress shall make no law . . . abridging the freedom of speech, or of the press." Certainly that standard would not be an acceptable one if religion, economics, politics or philosophy were involved. How does it become a constitutional standard when literature treating with sex is concerned?

Any test that turns on what is offensive to the community's standards is too loose, too capricious, too destructive of freedom of expression to be squared with the First Amendment. Under that test, juries can censor, suppress, and punish what they don't like, provided the matter relates to "sexual impurity" or has a tendency "to excite lustful thoughts." This is community censorship in one of its worst forms. It creates a regime where in the battle between the literati and the Philistines, the Philistines are certain to win. If experience in this field teaches anything, it is that "censorship of obscenity has almost always been both irrational and indiscriminate." Lockhart & McClure, *op. cit. supra*, at 371. The test adopted here accentuates that trend.

I assume there is nothing in the Constitution which forbids Congress from using its power over the mails to proscribe *conduct* on the grounds of good morals. No one would suggest that the First Amendment permits nudity in public places, adultery, and other phases of sexual misconduct.

I can understand (and at times even sympathize) with programs of civic groups and church groups to protect and defend the existing moral standards of the community. I can understand the motives of the Anthony Comstocks who would impose Victorian standards on the community. When speech alone is involved, I do not think that government, consistently with the First Amendment, can become the sponsor of any of these movements. I do not think that government consistently with the First Amendment, can throw its weight behind one school or another. Government should be concerned with antisocial conduct, not with utterances. Thus, if the First Amendment guarantee of freedom of speech and press is to mean anything in this field, it must allow protests even against the moral code that the standard of the day sets for the community. In other words, literature should not be suppressed merely because it offends the moral code of the censor.

The legality of a publication in this country should never be allowed to turn either on the purity of thought which it instills in the mind of the reader or on the degree to which it offends the community conscience. By either test the role of the censor is exalted, and society's values in literary freedom are sacrificed.

The Court today suggests a third standard. It defines obscene material as that "which deals with sex in a manner appealing to prurient interest."[42] Like the standards applied by the trial judges below, that standard does not require any nexus between the literature which is prohibited and action which the legislature can regulate or prohibit. Under the First Amendment, that standard is no more valid than those which the courts below adopted.

I do not think that the problem can be resolved by the Court's statement that "obscenity is not expression protected by the First Amendment." With the exception of *Beauharnais* v. *Illinois*, 343 U.S. 250, none of our cases has resolved problems of free speech and free press by placing any form of expression beyond the pale of the absolute prohibition of the First Amendment. Unlike the law of libel, wrongfully relied on in *Beauharnais*, there is no special historical evidence that literature dealing with sex was intended to be treated in a special manner by those who drafted the First Amendment. In fact, the first reported court decision in this country involving obscene literature was in 1821. Lockhart & McClure, *op. cit. supra*, at 324, n. 200. I reject too the implication that problems of freedom of speech and of the press are to be resolved by weighing

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against the values of free expression, the judgment of the Court that a particular form of that expression has "no redeeming social importance." The First Amendment, its prohibition in terms absolute, was designed to preclude courts as well as legislatures from weighing the values of speech against silence. The First Amendment puts free speech in the preferred position.

Freedom of expression can be suppressed if, and to the extent that, it is so closely brigaded with illegal action as to be an inseparable part of it. *Giboney* v. *Empire Storage Co.*, 336 U.S. 490, 498; *Labor Board* v. *Virginia Power Co.*, 314 U.S. 469, 477–478. As a people, we cannot afford to relax that standard for the test that suppresses a cheap tract today can supress a literary gem tomorrow. All it need do is to incite a lascivious thought or arouse a lustful desire. The list of books that judges or juries can place in that category is endless.

I would give the broad sweep of the First Amendment full support. I have the same confidence in the ability of our people to reject noxious literature as I have in their capacity to sort out the true from the false in theology, economics, politics, or any other field.

FOOTNOTES

*Together with No. 61, *Alberts* v. *California*, appeal from the Superior Court of California, Los Angeles County, Appellate Department, argued and decided on the same dates.

[1] The federal obscenity statute provided, in pertinent part:

"Every obscene, lewd, lascivious, or filthy book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character; and—

"Every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or from whom, or by what means any of such mentioned matters, articles, or things may be obtained or made . . . whether sealed or unsealed . . .

"Is declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post office or by any letter carrier.

"Whoever knowingly deposits for mailing or delivery, anything declared by this section to be nonmailable, or knowingly takes the same from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than $5,000 or imprisoned not more than five years, or both." 18 U.S.C. § 1461.

The 1955 amendment of this statute, 69 Stat. 183, is not applicable to this case.

[2] The California Penal Code provides, in pertinent part:

"Every person who willfully and lewdly, either:

"3. Writes, composes, stereotypes, prints, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, or book; or designs, copies, draws, engraces, paints, or otherwise prepares any obscene or indecent picture or print; or molds, cuts, casts, or otherwise makes any obscene or indecent figure; or,

"4. Writes, composes, or publishes any notice or advertisement of any such writing paper, book, picture, print or figure; . . .

"6. . . . is guilty of a misdemeanor . . ." West's Cal. Penal Code Ann., 1955, § 311.

[3] In *Roth*, reliance is placed on the Due Process Clause of the Fifth Amendment, and in *Alberts*, reliance is placed upon the Due Process Clause of the Fourteenth Amendment.

[4] 237 F. 2d 796.

[5] 352 U.S. 964. Petitioner's application for bail was granted by MR. JUSTICE HARLAN in his capacity as Circuit Justice for the Second Circuit. 1 L. Ed. 2d 34, 77 Sup. Ct. 17.

[6] 138 Cal. App. 2d Supp. 909, 292 P. 2d 90. This is the highest state appellate court available to the appellant. Cal. Const., Art. VI, § 5; see *Edwards* v. *California*, 314 U.S. 160.

[7] 352 U.S. 962.

[8] No issue is presented in either case concerning the obscenity of the material involved.

[9] See also the following cases in which convictions under obscenity statutes have been reviewed: *Grimm* v. *United States*, 156 U.S. 604; *Rosen* v. *United States*, 161 U.S. 29; *Swearingen* v. *United States*, 161 U.S. 446; *Andrews* v. *United States*, 162 U.S. 420; *Price* v. *United States*, 165 U.S. 311; *Dunlop* v. *United States*, 165 U.S. 486; *Bartell* v. *United States*, 227 U.S. 427; *United States* v. *Limehouse*, 285 U.S. 424.

[10] Del. Const., 1792, Art. I, § 5; Ga. Const., 1777, Art. LXI; Md. Const., 1776, Declaration of Rights, § 38; Mass. Const., 1780, Declaration of Rights, Art. XVI; N. H. Const., 1784, Art. I, § XXII; N. C. Const., 1776, Declaration of Rights, Art. XV; Pa. Const., 1776, Declaration of Rights, Art. XII; S.C. Const., 1778, Art. XLIII; Vt. Const., 1777, Declaration of Rights, Art. XIV; Va. Bill of Rights, 1776, § 12.

[11] Act to Secure the Freedom of the Press (1804), 1 Conn. Pub. Stat. Laws 355 (1808); Del. Const., 1792, Art. I, § 5; Ga. Penal Code, Eighth Div., § VIII (1817), Digest of the Laws of Ga. 364 (Prince 1822); Act of 1803, c. 54, II Md. Public General Laws 1096 (Poe 1888); *Commonwealth* v. *Kneeland*, 37 Mass. 206, 232 (1838); Act for the Punishment of Certain Crimes Not Capital (1791), N.H. Laws 1792, 253; Act Respecting Libels (1799), N.J. Rev. Laws 411 (1800); *People* v. *Croswell*, 3 Johns, (N.Y.) 337 (1804); Act of 1803, c. 632, 2 Laws of N. C. 999 (1821); Pa. Const., 1790, Art IX, § 7; R. I. Code of Laws (1647), Proceedings of the First General Assembly and Code of Laws 44–45 (1647); R. I. Const., 1842, Art. I, § 20; Act of 1804, 1 Laws of Vt. 366 (Tolman 1808); *Commonwealth* v. *Morris*. 1 Brock. & Hol. (Va.) 176 (1811).

[12] Act for the Punishment of Divers Capital and Other Felonies, Acts and Laws of Conn. 66, 67 (1784); Act Against Drunkeness, Blasphemy, §§ 4, 5 (1737), 1 Laws of Del. 173, 174 (1797); Act to Regulate Taverns (1786), Digest of the Laws of Ga. 512, 513 (Prince 1822); Act of 1723, c. 16, § 1, Digest of the Laws of Md. 92 (Herty 1799); General Laws and Liberties of Mass. Bay, c. XVIII, § 3 (1646), Mass. Bay Colony Charters & Laws 58 (1814); Act of 1782, c. 8, Rev. Stat. of Mass. 741, § 15 (1836); Act of 1798, c. 33; §§ 1, 3, Rev. Stat. of Mass. 741, § 16 (1836); Act for the Punishment of Certain Crimes Not Capital (1791), N. H. Laws 1792, 252, 256; Act for the Punishment of Profane Cursing and Swearing (1791), N. H. Laws 1792, 258; Act for Suppressing Vice and Immorality, §§ VIII, IX (1798), N. J. Rev. Laws 329, 331 (1800); Act for Suppressing Immorality, § IV (1788), 2 Laws of N. Y. 257, 258 (Jones & Varick 1777–1789); *People* v. *Ruggles*, 8 Johns. (N. Y.) 290 (1811); Act . . . for the More Effectual Suppression of Vice and Immorality, § III (1741), 1 N. C. Laws 52 (Martin Rev. 1715–1790); Act to Prevent the Grievous Sins of Cursing and Swearing (1700), II Statutes at Large of Pa. 49 (1700–1712); Act for the Prevention of Vice and Immorality, § II (1794), 3 Laws of Pa. 177, 178 (1791–1802); Act to Reform the Penal Laws, §§ 33, 34 (1798), R. I. Laws 1798, 584, 595; Act for the More Effectual Suppressing of Blasphemy and prophaness (1703), Laws of S. C. 4 (Grimké 1790); Act, for the Punishment of Certain Capital, and Other High Crimes and Misdemeanors, § 20 (1797), 1 Laws of Vt. 332, 339 (Tolman 1808); Act, for the Punishment of Certain Inferior Crimes and Misdemeanors, § 20 (1797), 1 Laws of Vt. 352, 361 (Tolman 1808); Act for the Effectual Suppression of Vice, § 1 (1792), Acts of General Assembly of Va. 286 (1794).

[13] Act Concerning Crimes and Punishments, § 69 (1821), Stat. Laws of Conn. 109 (1824); *Knowles* v. *State*, 3 Day (Conn.) 103 (1808); Rev. Stat. of 1835, c. 130, § 10, Rev. Stat. of Mass. 740 (1836); *Commonwealth* v. *Holmes*, 17 Mass. 335 (1821); Rev. Stat. of 1842, c. 113, § 2, Rev. Stat. of N. H. 221 (1843); Act for Suppressing Vice and Immorality, § XII (1798), N. J. Rev. Laws 329, 331 (1800); *Commonwealth* v. *Sharples*, 2 S. & R. (Pa.) 91 (1815).

[14] *E. g.*, *United States* v. *Harriss*, 347 U. S. 612; *Breard* v. *Alexandria*, 341 U. S. 622; *Teamsters Union* v. *Hanke*, 339 U.S. 470; *Kovacs* v. *Cooper*, 336 U. S. 77; *Prince* v. *Massachusetts*, 321 U. S. 158; *Labor Board* v. *Virginia Elec. & Power Co.*, 314 U. S. 469; *Cox* v. *New Hampshire*, 312 U. S. 569; *Schenck* v. *United States*, 249 U. S. 47.

[15] Agreement for the Suppression of the Circulation of Obscene Publications, 37 Stat. 1511; Treaties in Force 209 (U.S. Dept. State, October 31, 1956).

[16] Hearings before Subcommittee to Investigate Juvenile Delinquency of the Senate Committee on the Judiciary, pursuant to S. Res. 62, 84th Cong., 1st Sess. 49–52 (May 24, 1955).

Although New Mexico has no general obscenity statute, it does have a statute giving to municipalities the power "to prohibit the sale or exhibiting of obscene or immoral publications, prints, pictures, or illustrations." N. M. Stat. Ann., 1953, §§ 14–21–3, 14–21–12.

[17] 5 Stat. 548, 566; 11 Stat. 168; 13 Stat. 504, 507; 17 Stat. 302; 17 Stat. 598; 19 Stat. 90; 25 Stat. 187, 188; 25 Stat. 496; 26 Stat. 567, 614–615; 29 Stat. 512; 33 Stat. 705; 35 Stat. 1129, 1138; 41 Stat. 1060; 46 Stat. 688; 48 Stat. 1091, 1100; 62 Stat. 768; 64 Stat. 194; 64 Stat. 451; 69 Stat. 183; 70 Stat. 699.

[18] *Schenck* v. *United States*, 249 U.S. 47. This approach is typified by the opinion of Judge Bok (written prior to this Court's opinion in *Dennis* v. *United States*, 341 U.S. 494) in *Commonwealth* v. *Gordon*, 66 Pa. D. & C. 101, aff'd, *sub nom. Commonwealth* v. *Feigenbaum*, 166 Pa. Super. 120, 70 A. 2d 389.

[19] *Dennis* v. *United States*, 341 494. This approach is typified by the concurring opinion of Judge Frank in the *Roth* case, 237 F. 2d, at 801. See also Lockhart & McClure, Literature, The Law of Obscenity, and the Constitution, 38 Minn. L. Rev. 295 (1954).

[20] *I.e.*, material having a tendency to excite lustful thoughts. Webster's New International Dictionary (Unabridged, 2d ed., 1949) defines *prurient*, in pertinent part, as follows:

". . . Itching; longing; uneasy with desire or longing; of persons, having itching, morbid, or lascivious longing; of desire, curiosity, or propensity, lewd. . . ."

Pruriency is defined, in pertinent part, as follows:

". . . Quality of being prurient; lascivious desire or thought. . . ."

See also *Mutual Film Corp.* v. *Industrial Comm'n*, 236 U.S. 230, 242, where this Court said as to motion pictures: ". . . They take their attraction from the general interest, eager and wholesome it may be, in their subjects, but a *prurient interest may be excited and appealed to*. . . ." (Emphasis added.)

We perceive no significant difference between the meaning of obscenity developed in the case law and the definition of the A.L.I., Model Penal Code, § 207.10 (2) (Tent. Draft No. 6, 1957), *viz.*:

". . . A thing is obscene if, considered as a whole, its predominant appeal is to prurient interest, i.e., a shameful or morbid interest in nudity, sex, or excretion, and if it goes substantially beyond customary limits of candor in description or representation of such matters. . . ." See Comment, *id.*, at 10 and the discussion at page 29 *et seq.*

[21] See, *e.g.*, *United States* v. *Dennett*, 39 F.2d 564.

[22] Madison's Report on the Virginia Resolutions, 4 Elliot's Debates 571.

[23] See note 14, *supra*.

[24] But see the instructions given to the jury by Mr. Justice Stable in *Regina* v. *Martin Secker Warburg*, [1954] 2 All Eng. 683 (C.C.C.).

[25] *United States* v. *Kennerley*, 209 F. 119; *MacFadden* v. *United States*, 165 F.51; *United States* v. *Bennett*, 24 Fed. Cas. 1093; *United States* v. *Clarke*, 38 F. 500; *Commonwealth* v. *Buckley*, 200 Mass. 346, 86 N. E. 910.

[26] *E. g.*, *Walker* v. *Popenoe*, 80 U.S. App. D.C. 129, 149 F.2d 511; *Parmelee* v. *United States*, 72 App. D.C. 203, 113 F.2d 729; *United States* v. *Levine*, 83 F. 2d 156; *United States* v. *Dennett*, 39 F.2d 564; *Khan* v. *Feist, Inc.*, F. Supp. 450, aff'd, 165 F.2d 188; *United States* v. *One Book Called "Ulysses,"* 5 F. Supp. 182, aff'd, 72 F.2d 705; *American Civil Liberties Union* v. *Chicago*, 3 Ill. 2d 334, 121 N.E. 2d 585; *Commonwealth* v. *Isenstadt*, 318 Mass. 543, 62 N.E. 2d 840; *Missouri* v. *Becker*, 364 Mo. 1079, 272, S.W. 2d 283; *Adams Theatre Co.* v. *Keenan*, 12 N. J. 267, 96 A.2d 519; *Bantam Books, Inc.* v. *Melko*, 25 N. J. Super. 292, 96 A. 2d 47; *Commonwealth* v. *Gordon*, 66 Pa. D. & C. 101, aff'd, *sub nom. Commonwealth* v. *Feigenbaum*, 166 Pa. Super. 120, 70 A.2d 389; cf. *Roth* v. *Goldman*, 172 F.2d 788, 794–795 (concurrence).

[27] In *Alberts*, the contention that the trial judge did not read the materials in their entirety is not before us because not fairly comprised within the questions presented. U.S. Sup. Ct. Rules, 15(1)(c)(1).

[28] This Court, as early as 1896, said of the federal obscenity statute:

". . . Every one who uses the mails of the United States for carrying papers or publications must take notice of what, in this enlightened age, is meant by decency, purity, and chastity in social life, and what must be deemed obscene, lewd, and lascivious." *Rosen* v. *United States*, 161 U.S. 29, 42.

[29] *E. g.*, *Roth* v. *Goldman*, 172 F.2d 788, 789; *Parmelee* v. *United States*, 72 App. D. C. 203, 204, 113 F.2d 729, 730; *United States* v. *4200 Copies International Journal*, 134 F. Supp. 490, 493; *United States* v. *One Unbound Volume*, 128 F. Supp. 280, 281.

[30] It is argued that because juries may reach different conclusions as to the same material, the statutes must be held to be insufficiently precise to satisfy due process requirements. But, it is common experience that different juries may reach different results under any criminal statute. That is one of the consequences we accept under our jury system. Cf. *Dunlop* v. *United States*, 165 U.S. 486, 499–500.

[31] For the same reason, we reject, in this case, the argument that there is greater latitude for state action under the word "liberty" under the Fourteenth Amendment than is allowed to Congress by the language of the First Amendment.

[32] In *Public Clearing House* v. *Coyne*, 194 U.S. 497, 506–508, this Court said:

"The constitutional principles underlying the administration of the Post Office Department were discussed in the opinion of the court in *Ex parte Jackson*, 96 U.S. 727, in which we held that the power vested in Congress to establish post offices and post roads embraced the regulation of the entire postal system of the country; that Congress might designate what might be carried in the mails and what excluded. . . . It may . . . refuse to include in its mails such printed matter or merchandise as may seem objectionable to it upon the ground of public policy. . . . For more than thirty years not only has the transmission of obscene matter been prohibited, but it has been made a crime, punishable by fine or imprisonment, for a person to deposit such matter in the mails. The constitutionality of this law we believe has never been attacked. . . ."

[33] In *Alberts* v. *California*, the state definition of "obscenity" is, of course, binding on us. The definition there used derives from *People* v. *Wepplo*, 78 Cal. App. 2d. Supp. 959, 178 P. 2d 853, the question being whether the material has "a substantive tendency to deprave or corrupt its readers by exciting lascivious thoughts or arousing lustful desire."

In *Roth* v. *United States*, our grant of certiorari was limited to the question of the constitutionality of the statute, and did not encompass the correctness of the definition of "obscenity" adopted by the trial judge as a matter of statutory construction. We must therefore assume that the trial judge correctly defined that term, and deal with the constitutionality of the statute as construed and applied in this case.

The two definitions do not seem to me synonymous. Under the federal definition it is enough if the jury finds that the book as a whole leads to certain thoughts. In California, the further inference must be drawn that such thoughts will have a substantive "tendency to deprave or corrupt"—*i.e.*, that the thoughts induced by the material will affect character and action. See American Law Institute, Model Penal Code, Tentative Draft No. 6, § 207.10(2), Comments, p. 10.

[34] *Ibid.*

[35] See dissenting opinion of MR. JUSTICE BRENNAN in *Kingsley Books, Inc.* v. *Brown*, No. 107, *ante*, p. 447.

[36] "The general principle of free speech, it seems to me, must be taken to be included in the Fourteenth Amendment, in view of the scope that has been given to the word 'liberty' as there used, although perhaps it may be accepted with a somewhat larger latitude of interpretation than is allowed to Congress by the sweeping language that governs or ought to govern the laws of the United States."

[37] The hoary dogma of *Ex parte Jackson*, 96 U.S. 727, and *Public Clearing House* v. *Coyne*, 194 U.S. 497, that the use of the mails is a privilege on which the Government may impose such conditions as it chooses, has long since evaporated. See Brandeis, J., dissenting, in *Milwaukee Social Democratic Publishing Co.* v. *Burleson*, 255 U.S. 407, 430–433; Holmes, J., dissenting, in *Leach* v. *Carlile*, 258 U.S. 138, 140; *Cates* v. *Haderline*, 342 U.S. 804, reversing 189 F. 2d 369; *Door* v. *Donaldson*, 90 U.S. App. D.C. 188, 195 F.2d 764.

[38] Hart, The Relations Between State and Federal Law, 54 Col. L. Rev. 489, 493.

[39] To give only a few examples: Edmund Wilson's "Memoirs of Hecate County" was found obscene in New York, see *Doubleday & Co.* v. *New York*, 335 U.S. 848; a bookseller indicted for selling the same book was acquitted in California. "God's Little Acre" was held to be obscene in Massachusetts, not obscene in New York and Pennsylvania.

[40] While the correctness of the judge's charge is not before us, the question is necessarily subsumed in the broader question involving the constitutionality of the statute as applied in this case.

[41] See American Law Institute, Model Penal Code, Tentative Draft No. 6, § 207.10, Comments, p. 20: "As an independent goal of penal legislation, repression of sexual thoughts and desires is hard to support. Thoughts and desires not manifested in overt antisocial behavior are generally regarded as the exclusive concern of the individual and his spiritual advisors."

[42] The definition of obscenity which the Court adopts seems in substance to be that adopted by those who drafted the A. L. I., Model Penal Code. § 207.10(2) (Tentative Draft No. 6, 1957).

"Obscenity is defined in terms of material which appeals predominantly to prurient interest in sexual matters and which goes beyond customary freedom of expression in these matters. We reject the prevailing tests of tendency to arouse lustful thoughts or desires because it is unrealistically broad for a society that plainly tolerates a great deal of erotic interest in literature, advertising, and art, and because regulation of thought or desire, unconnected with overt misbehavior, raises the most acute constitutional as well as practical difficulties." *Id.*, at 10.

Mr. GOLDWATER. Mr. President, I repeat that I did not attempt to be confined in the sexually oriented advertisements to what we are talking about. I do not think there is much difficulty in determining the difference between sexually oriented advertisements and photography.

Mr. McGEE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. PACKWOOD). The Senator from Wyoming has 24 minutes remaining.

Mr. McGEE. Mr. President, I yield 5 minutes to the Senator from Michigan.

The PRESIDING OFFICER (Mr. PACKWOOD). The Senator from Michigan is recognized for 5 minutes.

Mr. HART. Mr. President, I suppose one of the least desirable of all labels to carry away from Congress is that one is soft on pornography. I could think of some worse, but I would be hard put to name many.

About 35 minutes ago, at the most, while walking over to the other side of the aisle, I got an eight-page bill. It is an amendment to the postal reform bill. And we are told it is within constitutional limits, they hope, and that if it is not within constitutional limits, let the conferees take care of it. It moves against the business of using the mails to invade the privacy of a home with sexually oriented advertisements.

May I ask the Senator from Arizona if this is the bill that earlier in this session was introduced by the able Senator from Maryland (Mr. TYDINGS).

Mr. GOLDWATER. No, I am sure it was not. I discussed this bill twice. The House has passed this House language. I know of no other bill that has been introduced in the Senate similar to or exactly like it.

Mr. HART. Mr. President, my memory is that there was a bill before the Committee on the Judiciary, among a number of other bills, intending to reduce, if not eliminate, pornography. The bill was introduced by the Senator from Maryland (Mr. TYDINGS), and the Senator from Michigan, among others, was a sponsor.

It was tailored carefully in the light of a number of decisions.

The Roth decision is by no means the last word on this matter. The Roth decision is 13 years old.

Much guidance has since been given to Congress with respect to what we may or may not enact in the area sought to be reached by this, including this very session of the Supreme Court.

I wonder if I understood the Senator from Arizona correctly, that the House has passed this language.

Mr. GOLDWATER. The Senator is correct.

Mr. HART. Then why could we not take the language of that bill?

Mr. GOLDWATER. They did not pass it in connection with this bill. It was passed as a separate bill. I merely use that, as I explained earlier, as a means of identifying it. It is a Senate bill. Through no fault of the Senate committee, we

were not allowed to testify, although they set it up at least two or three times.

The language of the Senator from Maryland (Mr. TYDINGS) would not be disturbed at all by the language of my bill. In fact, if anything, his goes a bit further than mine.

We drew ours from the New York bill which has been upheld by the courts, and the Rowan case and others of the Supreme Court applied only to the sexually oriented advertising.

Mr. HART. Mr. President, is it fair for me to draw from that statement that the bill the Senator offers now as an amendment to the postal reform bill follows the pattern of the Tydings bill but does not go quite so far?

Mr. GOLDWATER. Yes. It follows the pattern of the Tydings bill. But the language contained in this is pretty much the language presented by the administration. And, if anything, it does not go as far, in my opinion, as the Tydings bill.

And I think when it comes to having hearings on additional bills of this nature, certainly the passage of this or the inclusion of this in the postal reform bill will not preclude other measures from being discussed.

Mr. HART. Mr. President, I take some comfort in the statement that this bill approaches the problem in the style suggested by the Tydings bill but does not go as far. However, I am compelled to state that, given all of the rich tradition of this Chamber, we should be able to proceed more prudently in an area of great sensitivity than doing so within an hour's time with an eight-page measure, copies of which I doubt are available to some of the sponsors.

That would be, I think, one of our less-impressive performances.

The fact is that the Tydings bill and others which may be developed after hearings would not be damaged by the adoption of this amendment. Nonetheless, the adoption of the amendment has some significance.

It means that those who vote for it agree with all eight pages, even though those eight pages are not in the hands of everyone.

Would it not be much sounder on the part of the Senate to await the report either from the Committee on Post Office and Civil Service or the Committee on the Judiciary? I suppose that the Commerce Committee could also participate. But at least why do we not have information available before undertaking to sail on a very troubled sea and have the report which begins with the Roth case. It does not end with it. It counsels us on the opinion of members of the bar.

I do not want to weaken my voice of caution by acknowledging the amendment.

I am glad to be informed that it follows the pattern of the Tydings bill but may not go as far. However, we spend many hours around here on items of much less complexity and much less constitutional significance.

Mr. President, I hope we are not setting a pattern.

Mr. GOLDWATER. Mr. President, if the Senator will yield, I shall answer briefly. I do not know a bill that has ever come out of my office that received more study than this bill. I have made seven speeches on the floor of the Senate. I testified before two different committees of the House. Through no fault of our chairman, I have not been able to testify before the Senate committee. However, this language, I must say, was submitted long before the administration language was sent down. It was referred to the Committee on Post Office and Civil Service for action and undoubtedly it would have been testified to in the coming month, when the chairman decided to hold hearings.

I thought this would be the proper place to bring up this long-discussed matter. To me it is not a question of the constitutionality of the approach. I think if we had gone further we might have run into constitutional problems, but when we limited it to that which we have limited it, and backed up by court decisions, I think it should cause no concern.

Mr. HART. Mr. President, I have made many speeches about some bills, and they have never gotten through committee, and I have been told that it was because they were not proper. Making seven speeches in 7 days does not respond to that problem.

We have committees for purposes, and one of those purposes is to make available to Members the judgment on matters, especially in areas where anyone with any sensitivity in respect of the Constitution understands we have to proceed cautiously.

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

Mr. McGEE. I yield to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, last year I introduced a bill to deal with this particular matter. As I said earlier, it is conceived along the lines of the measure offered by the distinguished Senator from Arizona. I presented my proposal because of the hundreds of communications on this subject I have received from Montana—a small State in population, but a big State geographically. I did so because of the fact that unsolicited pornographic material is being sent into the homes of the people whom I represent. This material is falling into the hands of youngsters who in turn give it to their parents, and in general, the situation has become, to put it mildly, most embarrassing.

Hearings were supposed to have been held in the Committee on the Judiciary, but those hearings were postponed, through no fault of committee members, but due to circumstances over which they had no control. The distinguished chairman of the Committee on Post Office and Civil Service, my next-door neighbor, the Senator from Wyoming (Mr. McGEE), had scheduled hearings to consider the dissemination of pornographic material through the mail but because of circumstances over which he and his committee had no control those hearings had to be postponed.

Those who wish to receive this material may do so. That is not the point. The point is, there is a right of privacy at stake here that is every bit as sacred as any right afforded under the first amendment. The point is, people in their homes should not be forced to receive this material; it should not in this way be permitted into the hands of children who do not desire it and who do not want it. I think something must be done in connection with this racket—and it is a racket because as the distinguished Senator from Arizona said, not so many months ago—it amounts to millions and millions of dollars a year obtained through the exploitation of people by mail.

Mr. GOLDWATER. One billion dollars.

Mr. MANSFIELD. One billion dollars. That is hundreds of millions of dollars.

What I would like to see is action taken that will get the pusher; in this instance, the one who pushes pornographic material that is unwanted, undesired, unasked for, and highly immoral. He is every bit a social menace as is the pusher of drugs.

I am no puritan, but I do believe deeply in the privacy of the home. I believe action should be taken. I am not at all happy with the decisions of the Supreme Court in this field because I think, to a certain extent, they have evaded and dodged the issue. I think the Court's considerations of these cases in the future may well be assisted with such a determination by Congress. It would appear that the only place we can face this question is in the Congress and I am happy that at long last we have a chance to go on record publicly. If the amendment is successful, and I hope it will be, it may indeed have an imprint on what the Supreme Court decides hereafter and it will be beneficial as well in helping to maintain the privacy of one's home.

Mr. GOODELL. Mr. President, will the Senator yield to me?

Mr. McGEE. I yield to the Senator from New York.

Mr. GOODELL. Mr. President, there can be no dispute about the honorable purpose of preventing offensive pornographic material being sent to young people through the mails. But there is a larger issue involved in this matter.

We all sit here and assume we can decide what "pornographic" is and that we can decide what "moral" and "immoral" is. There is involved an issue of freedom in the mails, a first amendment freedom. I am sure we could agree 100 percent on some of the extreme examples of what is sent through the mails and, if it were put down here, it would scandalize all of us and we would say that it is horrible and that it should not be in the mails.

But this is no way to legislate the question of constitutional rights. I am surprised to hear my colleagues say that we are offended in this regard and that we should not hold hearings and deal with this issue on a statesmanlike basis in terms of Court decisions, and in terms of what is of redeeming social value.

As far as the language here with respect to what is sexually oriented advertising, I am sure we could end up with criminal charges against someone for sending pictures of Michaelangelo's finest works of art or the works of Chaucer, or some of the other great works in the history of mankind.

This is a question of a definition of terms. We all seek a purpose here and a result that would protect our homes; yes, but also the protection of individual liberties.

Mr. President, I would like to vote for this amendment but I cannot vote for the amendment until there are full hearings and we have explored fully the constitutional issues involved in a calm and deliberate way, not in terms of how much mail we are getting from irate citizens—who have a right to be irate—but in terms of constitutional rights.

Mr. MANSFIELD. Mr. President, will the Senator yield to me briefly?

Mr. McGEE. I yield.

Mr. MANSFIELD. Mr. President, I have seen some of the mail which is sent to some of these irate citizens, and I must say that I was horrified. I think these citizens are entitled to a degree of constitutional protection, also. In the first place I do not believe the first amendment—which I believe in implicitly—allows for such license that would violate the privacy of ordinary people in their homes. That is not censorship in my book. It merely assures a proper balance between those who have a right to know beforehand what comes in their front door and those who are entitled to publish—within reason—under the first amendment. I do not believe it is unreasonable to ask for such a balance. I think the Constitution permits the protection of both matters.

Mr. McGEE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 9 minutes remaining.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. McGEE. I yield.

COLLOQUY ON AREA-WAGE DIFFERENTIALS

Mr. JAVITS. I wish to ask the Senator whether the bill would permit the reorganized postal service to institute area-wage differentials.

Mr. McGEE. The answer is that it is the judgment of our legal experts that either bill protects the option or the administration of the postal authority.

Mr. JAVITS. I thank the Senator.

Mr. President, I ask unanimous consent that the letter of the general counsel of the Post Office Department answering the question the same way in which the Senator from Wyoming (Mr. McGEE) answered it be printed in the RECORD.

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

THE GENERAL COUNSEL,
POST OFFICE DEPARTMENT,
Washington, D.C., June 25, 1970.

HON. JACOB J. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: This is in response to your question as to whether the provisions of S. 3842, the Postal Reform bill reported by the Senate Post Office and Civil Service Committee on June 3, would permit the reorganized Postal Service to institute area wage differentials.

It is my opinion that the bill would give the Postal Service such authority.

39 U.S.C. 1105(a), as it would be enacted by section 2 of the bill, provides in pertinent part that:

"It shall be the policy of the Postal Service to maintain compensation and benefits for all officers and employees on a standard of comparability to the compensation and benefits paid for comparable levels of work in the private sector of the economy. . . ."

39 U.S.C. 1309(a), as contained in section 2 of the bill, provides that to the extent not inconsistent with the provisions of the newly enacted title 39, employee-management relations in the Postal Service shall be subject to the provisions of the National Labor Relations Act, as amended.

Under that Act, it has long been recognized that area differentials are a proper subject for collective bargaining. Since the compensation and benefits paid in the private sector for levels of work comparable to those in the Postal Service do differ from one part of the country to another. I see no inconsistency between collective bargaining over area wages, if either party wishes to make that a subject of negotiation, and the statutory requirement that postal pay and benefits be comparable to pay and benefits in the private sector.

H.R. 17070, as passed by the House of Representatives on June 18, specifically provides that the comparability standard may be applied on an area basis. (39 U.S.C. 205, as contained in section 102 of the bill.) In my opinion, the effect of the Senate bill is the same, even though the Senate bill does not expressly refer to area wages.

Sincerely,

DAVID A. NELSON.

Mr. GOLDWATER. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McGEE. I yield.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the name of the Senator from Tennessee (Mr. BAKER) be added as a cosponsor of the amendment.

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

Mr. BAKER. Mr. President, will the Senator yield to me?

Mr. McGEE. I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator for yielding so that I may make these remarks in support of the amendment.

As the distinguished majority leader has pointed out he has received quantities of truly shocking mail in his office from Montana, and I assume from other locations. I have found it necessary in my office to make sure that one of the male members of my staff is placed in charge of the huge volume of salacious mail that is forwarded to me by irate Tennesseans.

There is absolutely no doubt but that this mail is completely devoid of any redeeming social grace or value. There is no doubt in any person's mind that much of this material can be calculated only to appeal to prurient interest.

I do not believe Congress and the Senate tonight should reject this amendment because we feel the Supreme Court should be free and unfettered in connection with first amendment guarantees. I think instead the highest court might be pleased to have a congressional mandate and further congressional legislation in this field, not so it will transform the Constitution but so that this department of Government can express its views on how further to elaborate the guarantees and the rights of the first amendment.

I thank the Senator for yielding.

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

Mr. McGEE. For how long?

Mr. HART. Just long enough to ask a question and get the answer to it.

Mr. McGEE. I yield.

Mr. HART. Under the bill, would advertisements to promote the sale of books by Chaucer be permitted?

Mr. GOLDWATER. No, I do not have any expectation of going that far. Under the Rowan case, that was gone into. We talk only about sexually oriented material, and I cannot imagine that Chaucer would be classed in that category.

Mr. GOODELL. I ask the Senator if he has read Chaucer.

Mr. HART. It relates to advertisements that depict human genitalia or any act of natural sexual intercourse or any other erotic subject directly related to the foregoing. Do we have any record that identifies what works of literature would be trapped by that definition? Have any hearings been held?

Mr. GOLDWATER. That has been the crassest argument that has been used against any legislation directed against pornographic advertising. I will have to admit that it is a difficult field to get into.

Mr. HART. Would it not be desirable to have hearings on it?

Mr. GOLDWATER. Hearings have been held in the House time after time. Legislation like this has been in this body for over a year. I think this is a good time to find out what we want to say about it. That argument has been used for years.

Mr. HART. Would it not be the desire of the Senator from Arizona to be sure that we not inhibit advertising persuading citizens to consider the purchase of pieces of literature such as Chaucer?

Mr. GOLDWATER. I would say that the legislation is aimed both ways.

Mr. HART. We cannot have it both ways.

Mr. GOLDWATER. If one wants to buy it, he can buy it. If he does not want it, he does not have to have it in his house. That is what we are trying to prevent. The man, woman, or child who does not want to receive this sexually oriented advertising can ask to have his or her name removed from the list, and if he or she still receives it, the mailer will be in violation of the law.

Mr. McGEE. Mr. President, I feel compelled to intercede. My time has almost expired. I would like to use a moment or two to say to both of my colleagues who have been engaged in this interesting colloquy that the committee would like the Senators there for the hearings, in which we intend to grope our way into this question, and that we will be ready to do so after the Fourth of July recess.

Mr. HART. That would be like finding out what we did last week.

Mr. McGEE. No; I will say this to my colleague from Michigan: The purport of this will go directly to the core of the problems; namely, the invasion of the home through variously acquired mailing lists. This does not relate to something somebody went out to procure, not even something slipped under the door by peddlers in the neighborhood. This relates to buying of mailing lists. We be-

lieve there is a great deal to be said, within the Constitution, for regulating this traffic through the mail. But I agree with my colleagues who have urged upon us the wisdom of careful consideration in the form of hearings as a procedure.

Nonetheless, I still intend to support the proposal by the Senator from Arizona, for a specific reason: It, through this colloquy, has made a dramatic point as to the urgency and the feeling of the Members of this body that we find the wise way, the substantively sound way, to come to grips with this question. I assure Senators that this the committee intends to do.

I share the shock of my colleagues, not at what one can buy on the newsstands, not at what big boys and big girls can buy a ticket to see, but the invasion of a family by promiscuous mailing lists. Somehow, in my judgment, this body has to find a way to cope with that invasion. What that means to our young ones, what it means just to good family living, I think goes without saying; and the senior Senator from Wyoming intends to act quickly, vigorously, as soon as we return from the holidays, to have hearings on this question and to arrive at a sound legislative recommendation to this body.

Meanwhile, we take in conference the proposal by the Senator from Arizona, even though it is not a pending issue in conference, and, as he has carefully explained, it has been passed by the House and referred to another committee, and thus is not ordinarily a legitimate subject for conference. But the point has been well made. The Members of this body will strengthen the hand of the committee in convening these hearings and writing the legislation if we can get an expression of the body here tonight as requested by the Senator from Arizona; and we welcome that opportunity to express.

I just want the RECORD to show that on this question that it is not necessarily writing good legislation in the proper way, but making the point will strengthen the hand and point the hand of the committee in its deliberations, and I express my appreciation to the Senator from Arizona. I also want to assure my colleague from Michigan that in substance, the provisions of this amendment we are about to vote on, are the same as the provisions of the Tydings-Hart bill pending before the Judiciary Committee.

Mr. JAVITS. Mr. President, if the Senator yield to me, I ask unanimous consent to include in the RECORD the Rowan decision.

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

[Supreme Court of the United States, No. 399.—October Term, 1969]

DANIEL ROWAN, DBA AMERICAN BOOK SERVICE, ET AL., APPELLANTS, *v.* UNITED STATES POST OFFICE DEPARTMENT ET AL.

(On appeal from the United States District Court for the Central District of California, May 4, 1970)

Mr. CHIEF JUSTICE BURGER delivered the opinion of the Court.

Appellants challenge the constitutionality of Title III of the Postal Revenue and Federal Salary Act of 1967, 81 Stat. 645, 39 U.S.C. § 4009 (Supp. IV, 1969), under which a householder may require that a mailer remove his name from its mailing lists and stop all future mailings to the householder. The appellants are publishers, distributors, owners, and operators of mail order houses, mailing list brokers, and owners and operators of mail service organizations whose business activities are affected by the challenged statute.

A brief description of the statutory framework will facilitate our analysis of the questions raised in this appeal. Title III of the Act is entitled "Prohibition of pandering advertisements in the mails." It provides a procedure whereby any householder may insulate himself from advertisements that offer for sale "matter which the addressee in his sole discretion believes to be erotically arousing or sexually provocative." 39 U.S.C. § 4009(a).[1]

Subsection (b) mandates the Postmaster, upon receipt of a notice from the addressee specifying that he has received advertisements found by him to be within the statutory category, to issue on the addressee's request an order directing the sender and his agents or assigns to refrain from further mailings of such materials to the named addressees. Additionally, subsection (c) requires the Postmaster to order the affected sender to delete the name of the designated addressee from all mailing lists owned or controlled by the sender and prohibits the sale, rental, exchange, or other transactions involving mailing lists bearing the name of the designated addressee.

If the Postmaster has reason to believe that an order issued under this section has been violated, subsection (d) authorizes him to notify the sender by registered or certified mail of his belief and the reasons therefor, and grant him an opportunity to respond and have a hearing on whether a violation has occurred.

If the Postmaster thereafter determines that the order has been or is being violated, he is authorized to request the Attorney General to seek an order from a United States District Court directing compliance with the prohibitory order. Subsection (e) grants to the District Court jurisdiction to issue a compliance order upon application of the Attorney General.

Appellants initiated an action in the United States District Court for the Central District of California upon a complaint and petition for declaratory relief on the ground that 39 U.S.C. § 4009 is unconstitutional. They alleged that they have received numerous prohibitory orders pursuant to the provisions of the statute. Appellants contended that the section violates ther rights of free speech and due process guaranteed by the First and Fifth Amendments to the United States Constitution. Additionally, appellants argued that the section is unconstitutionally vague, without standards and ambiguous.

A three-judge court was convened pursuant to 28 U.S.C. § 2284 (1964) and determined that the section was constitutional when interpreted to prohibit advertisements similar to those initially mailed to the addressee.[2]

The District Court construed subsections (b) and (c) to prohibit "advertisements similar" to those initially mailed to the addressee; future mailings, in the view of the District Court, "are to be measured by the objectionable materials of such first mailing." In our view Congress did not intend so restrictive a scope to those provisions.

1. BACKGROUND AND CONGRESSIONAL OBJECTIVES

Section 4009 was a response to public and congressional concern with use of mail facilities to distribute unsolicited advertisements that recipients found to be offensive because of their lewd and salacious character. Such mail was found to be pressed upon minors as well as adults who did not seek and did not want it. Use of mailing lists of youth organizations was part of the mode of doing business. At the congressional hearings it developed that complaints to the Postmaster General increased from 50,000 to 250,000 annually. The legislative history, including testimony of child psychology specialists and psychiatrists, reflected concern over the impact of the materials before the Committee on the development of children. A declared objective of Congress was to protect minors and the privacy of homes from such material and to place the judgment of what constitutes an offensive invasion of those interests in the hands of the addressee.

To accomplish these objectives Congress provided in subsection (a) that the mailer is subject to an order "to refrain from further mailings of such materials to designated addressees." Subsection (b) states that the Postmaster General shall direct the sender to refrain from "further mailings to the named addressees." Subsection (c) in describing the Postmaster's order states that it shall "expressly prohibit the sender . . . from making any further mailings to the designated addressees . . . ." Subsection (c) also requires the sender to delete the addressee's name "from all mailing lists" and prohibits the sale, transfer, and exchange of lists bearing the addressee's name.

There are three plausible constructions of the statute, with respect to the scope of the prohibitory order. The order could prohibit all future mailings to the addressees, all future mailings of advertising material to the addressees, or all future mailings of similar materials.

The seeming internal statutory inconsistency is undoubtedly a residue of the language of the section as it was initially proposed. The section as originally reported by the House Committee on the Post Office and the Civil Service prohibited "further mailings of such pandering advertisements," § 4009 (a), "further mailings of such matter," § 4009 (b), and "any further mailings of pandering advertisements," § 4009 (c). H.R. Rep. No. 722. 90th Cong., 1st Sess. 125–126 (1967). The section required the Postmaster General to make a determination whether the particular piece of mail came within the proscribed class of pandering advertisements, "as that term is used in the *Ginzberg* case." *Id.*, at 69.

The section was subsequently amended by the House of Representatives to eliminate from the Post Office any censorship function. Congressman Waldie, who proposed the amendment, envisioned a minimal role for the Post Office. The amendment was intended to remove "the right of the Government to involve itself in any determination of the content and nature of these objectionable materials. . . ." CONGRESSIONAL RECORD, vol. 113, pt. 21, p. 28660. The only determination left for the Postmaster General is whether or not the mailer has removed the addressee's name from the mailing list. Statements by the proponents of the legislation in both the House and Senate manifested an intent to prohibit all further mailings from the sender. In describing the effect of his proposed amendment Congressman Waldie stated:

"So I have said in my amendment that if you receive literature in your household that you consider objectionable . . . you can

[1] Subsection (g) provides that upon the addressee's request the order shall include the names of the addressee's minor children who reside with him and who have not attained their nineteenth birthday.

[2] Judge Hufstedler, concurring specially but without dissent, would require the District Court prior to issuing a compliance order to determine *de novo* whether the sender is a person who has mailed or has caused to be mailed any pandering advertisements.

inform the Postmaster General to have your name stricken from that mailer's mailing list." CONGRESSIONAL RECORD, vol. 113, pt. 21, p. 28660.

The Senate Committee Report on the bill contained similar language:

"If a person receives an advertisement which . . . he . . . believes to be erotically arousing . . . he may notify the Postmaster General of his determination. The Postmaster General is then required to issue an order directing him to refrain from sending any further mailings of any kind to such person." S. Rep. No. 801, 90th Cong., 1st Sess. 38.

Senator Monroney, a major proponent of the legislation in the Senate, described the bill as follows:

"With respect to the test contained in the bill, if the addressee declared it to be erotically arousing or sexually provocative the Postmaster General would have to notify the sender to send no more mail to that address. . . ." CONGRESSIONAL RECORD, vol. 113, pt. 25, p. 34231.[3]

The legislative history of subsection (a) thus supports an interpretation that prohibits all future mailings independent of any objective test. This reading is consistent with the provisions of related subsections in the section. Subsection (3) provides that the Postmaster General "shall also direct the sender and his agents or assigns to delete immediately the names of the designated addressees from all mailing lists owned or controlled by the sender or his agents or assigns and, further, shall prohibit the sender and his agents or assigns from the sale, rental, exchange, or other transaction involving mailing lists bearing the names of the designated addresses." 39 U.S.C. § 4009 (c) (Supp. IV, 1969).

It would be anomalous to read the statute to affect only similar material or advertisements and yet require the Postmaster General to order the sender to remove the addressee's name from all mailing lists in his actual or constructive possession. The section was intended to allow the addressee complete and unfettered discretion in electing whether or not he desired to receive further material from a particular sender. See n. 6, *infra*. The impact of this aspect of the statute is on the mailer, not the mail. The interpretation of the statute that most completely effectuates that intent is one which prohibits any further mailings. Limiting the prohibitory order to similar materials or advertisements is open to at least two criticisms: (a) it would expose the householder to further burdens of scrutinizing the mail for objectionable material and possible harassment, and (b) it would interpose the Postmaster General between the sender and the addressee and, at the least, create the appearance if not the substance of governmental censorship.[4] It is difficult to see how the Postmaster General could decide whether the materials were "similar" or possessing touting or pandering characteristics without an evaluation suspiciously like censorship. Additionally, such an interpretation would be incompatible with the unequivocal language in subsection (c).

2. FIRST AMENDMENT CONTENTIONS

The essence of appellants' argument is that the statute violates their constitutional right to communicate. One sentence in appellants' brief perhaps characterizes their entire position:

"The freedom to communicate orally and by the written word and, indeed, in every manner whatsoever is imperative to a free and sane society." Brief for Appellants at 15.

Without doubt the public postal system is an indispensable adjunct of every civilized society and communication is imperative to a healthy social order. But the right of every person "to be let alone" must be placed in the scales with the right of others to communicate.

In today's complex society we are inescapably captive audiences for many purposes, but a sufficient measure of individual autonomy must survive to permit every house holder to exercise control over unwanted mail. To make the householder the exclusive and final judge of what will cross his threshold undoubtedly has the effect of impeding the flow of ideas, information and arguments which, ideally, he should receive and consider. Today's merchandising methods, the plethora of mass mailings subsidized by low postal rates, and the growth of the sale of large mailing lists as an industry in itself have changed the mailman from a carrier of primarily private communications, as he was in a more leisurely day, and has made him an adjunct of the mass mailer who sends unsolicited and often unwanted mail into every home. It places no strain on the doctrine of judicial notice to observe that whether measured by pieces or pounds. Every man's mail today is made up overwhelmingly of material he did not seek from persons he does not know. And all too often it is matter he finds offensive.

In *Martin* v. *Struthers*, 319 U.S. 141 (1943), MR. JUSTICE BLACK, for the Court, while supporting the "[f]reedom to distribute information to every citizen," *Id.*, at 146, acknowledged a limitation in terms of leaving "with the homeowner himself" the power to decide "whether distributors of literature may lawfully call at a home." *Id.*, at 148. Weighing the highly important right to communicate, but without trying to determine where it fits into constitutional imperatives, against the very basic right to be free from sights, sounds and tangible matter we do not want, it seems to us that a mailer's right to communicate must stop at the mailbox of an unreceptive addressee.

The Court has traditionally respected the right of a housholder to bar, by order or notice, solicitors, hawkers, and peddlers from his property. See *Martin* v. *Struthers, supra;* cf. *Hall* v. *Commonwealth*, 188 Va. 72, 49 S. E. 2d 369, appeal dismissed, 335 U.S. 875 (1948). In this case the mailer's right to communicate is circumscribed only by an affirmative act of the addressee giving notice that he wishes no further mailings from that mailer.

To hold less would lend to license a form of trespass and would make hardly more sense than to say that a radio or television viewer may not twist the dial to cut off an offensive or boring communication and thus bar its entering his home. Nothing in the Constitution compels us to listen to or view any unwanted communication, whatever its merit; we see no basis for according the printed word or pictures a different or more preferred status because they are sent by mail. The ancient concept that "a man's home is his castle" into which "not even the king may enter" has lost none of its vitality, and none of the recognized exceptions includes any right to communicate offensively with another. See *Camara* v. *Municipal Court*, 387 U.S. 523 (1967).

Both the absoluteness of the citizen's right under § 4009 and its finality are essential; what may not be provocative to one person may well be to another. In operative effect the power of the householder under the statute is unlimited; he or she may prohibit the mailing of a dry goods catalog because he objects to the content—or indeed the text of the language touting the merchandise. Congress provided this sweeping power not only to protect privacy but to avoid possible constitutional questions that might arise from vesting the power to make any discretionary evaluation of the material in a governmental official.

In effect, Congress has erected a wall—or more accurately permits a citizen to erect a wall—that no advertiser may penetrate without his acquiescence. The continuing operative effect of a mailing ban once imposed presents no constitutional obstacles; the citizen cannot be put to the burden of determining on repeated occasions whether the offending mailer has altered his material so as to make it acceptable. Nor should the householder be at risk that offensive material come into the hands of his children before it can be stopped.

We therefore categorically reject the argument that vendor has a right under the Constitution or otherwise to send unwanted material into the home of another. If this prohibition operates to impede the flow of even valid ideas, the answer is that no one has a right to press even "good" ideas on an unwilling recipient. That we are often "captives" outside the sanctuary of the home and subject to objectionable speech and other sound does not mean we must be captives everywhere. See *Public Utilities Comm'n* v. *Pollak*, 343 U.S. 451 (1952). The asserted right of a mailer, we repeat, stops at the outer boundary of every person's domain.

The statutory scheme at issue accords to the sender an "opportunity to be heard upon such notice and proceedings as are adequate to safeguard the right for which the constitutional protection is invoked." *Anderson Nat'l Bank* v. *Luckett*, 321 U.S. 233, 246 (1944). It thus comports with the Due Process Clause of the Fifth Amendment. The statutory scheme accomplishes this by providing that the Postmaster General shall issue a prohibitory order to the sender on the request of the complaining addressee. Only if the sender violates the terms of the order is the Postmaster General authorized to serve a complaint on the sender, who is then allowed 15 days to respond. The sender can then secure an administrative hearing.[5] The sender may question whether the initial material mailed to the addressee was an advertisement and whether he sent any subsequent mailings. If the Postmaster General thereafter determines that the prohibitory order has been violated, he is authorized to make application in a United States District Court for a compliance order;[6] a second

[3] Senator Hruska spoke similarly: "Title III would allow the recipient of obscene mail to return it to the Postmaster General with a request that the Postmaster General notify the sender to stop mailings to the addressee. . . ." CONGRESSIONAL RECORD, vol. 113, pt. 25, p. 34232.

[4] Subsection (d) vests the Postmaster General with the duty to determine whether the sender has violated the order. This determination was intended to be primarily a ministerial one involving an adjudication whether the initial material was an advertisement and whether the sender mailed materials to the addressee more than 30 days after the receipt of the prohibitory order. An interpretation which requires the Postmaster General to determine whether the subsequent material was pandering and/or similar would tend to place him "astride the flow of the mail. . . ." *Lamont* v. *Postmaster General*, 381 U. S. 301, 306 (1965).

[5] Although subsection (h) specifically excludes the pre-complaint hearing from the provisions of the Administrative Procedure Act, 5 U.S.C. § 554 *et seq.* (Supp. IV, 1965), the Post Office Department has promulgated regulations setting forth procedures governing the departmental administrative hearings. 39 C.F.R. pt. 916.

[6] The function of the District Court is similar to that of the Postmaster General. It is to determine whether the initial mailing included advertising material and whether there was a mailing by the sender to the addressee more than 30 days after receipt of the order. We reject the suggestions that the section should be read to require the District Judge to make a determination of the addressee's good faith, or to conduct an independent adjudication of the pandering na-

hearing is required if an order is to be entered.

The only administrative action not preceded by a full hearing is the initial issuance of the prohibitory order. Since the sender risks no immediate sanction by failing to comply with that order—it is only a predicate for later steps—it cannot be said that this aspect of the procedure denies due process. It is sufficient that all available defenses, such as proof that no mail was sent may be presented to a competent tribunal before a contempt finding can be made. See *Nickey* v. *Mississippi*, 292 U.S. 393, 396 (1934).

The appellants also contend that the requirement that the sender remove the addressee's name from all mailing lists in his possession violates the Fifth Amendment because it constitutes a taking without due process of law. The appellants are not prohibited from using, selling, or exchanging their mailing lists; they are simply required to delete the names of the complaining addressees from the lists and cease all mailings to those persons. Appellants next contend that compliance with the statute is confiscatory because the costs attending removal of the names are prohibitive. We agree with the conclusion of the District of Court that the "burden does not amount to a violation of due process guaranteed by the Fifth Amendment. Particularly when in the context before the Court it is being applied to commercial enterprises." See *California State Auto Ins. Bureau* v. *Maloney*, 341 U.S. 105 (1951).

There is no merit to the appellants' allegations that the statute is unconstitutionally vague. A statute is fatally vague only when it exposes a potential actor to some risk or detriment without giving him fair warning of the nature of the proscribed conduct. *United States* v. *Cardiff*, 344 U.S. 174, 176 (1952). Here the appellants know precisely what they must do on receipt of a prohibitory order. The complainants' names must be removed from the sender's mailing lists and he must refrain from future mailings to the named addresses. The sender is exposed to a contempt sanction only if he continues to mail to a particular addressee after administrative and judicial proceedings. Appellants run no substantial risk of miscalculation.

For the reasons stated, the judgment appealed from is affirmed.

It is so ordered.

CONCURRING OPINION OF JUSTICE BRENNAN

MR. JUSTICE BRENNAN, with whom MR. JUSTICE DOUGLAS joins, concurring.

I join the Court's opinion but add a few words. I agree that 39 U.S.C. § 4009 is constitutional insofar as it permits an *addressee* to require a mailer to remove *his* name from its mailing lists and to stop all future mailings to the addressee. As the Court notes, however, subsection (g) of § 4009 also allows an addressee to request the Postmaster General to include in any prohibitory order "the names of any of his minor children who have not attained their nineteenth birthday, and who reside with the addressee." In light of the broad interpretation which the Court assigns to § 4009, and see page —, *ante*, the possibility exists that parents could prevent their children, even if they are 18 years old, from receiving political, religious or other materials which the parents find offensive. In my view, a statute so construed and applied is not without constitutional difficulties. Cf. *Tinker* v. *Des Moines School Dist.*, 393 U.S. 503 (1969); *Ginsberg* v. *New York*, 390 U.S. 629 (1968). In this case, however, there is no particularized attack upon the constitutionality of subsection (g), nor, indeed, is there any indication on this record that under § 4009 (g) children in their late teens have been unwillingly deprived of the opportunity to receive materials. In these circumstances, I understand the Court to leave open the question of the right of older children to receive materials through the mail without governmental interference and also the more specific question whether § 4009 (g) may constitutionally be applied with respect to *all* materials and to *all* children under 19.

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ture of the material. The statute was intended to entrust unreviewable discretion to the addressee to determine whether or not the advertisement was "erotically arousing or sexually provocative." "[T]he sole determination as to whether the literature you receive is objectionable or not is within your discretion and you are not second guessed on that discretion." CONGRESSIONAL RECORD, vol. 113, pt. 21, p. 28660 (Remarks of Congressman Waldie).

Mr. McGEE. The Chair advises us that all time has expired.

Mr. MANSFIELD. Mr. President, if the Senator will stop talking about "holidays," I would appreciate it, because he is speaking in the plural, and all we are talking about is 1 day off.

Mr. McGEE. Well, 1 day off in terms of the meetings we have been having is a holiday to me.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arizona. All time on the amendment has expired. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Louisiana (Mr. LONG), and the Senator from Georgia (Mr. RUSSELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Kansas (Mr. PEARSON) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 83, nays 2, as follows:

[No. 186 Leg.]

YEAS—83

Aiken	Byrd, Va.	Eastland
Allen	Byrd, W. Va.	Ellender
Allott	Case	Ervin
Anderson	Church	Fannin
Baker	Cook	Fong
Bayh	Cooper	Goldwater
Bellmon	Cotton	Gore
Bennett	Cranston	Gravel
Bible	Curtis	Griffin
Boggs	Dole	Gurney
Brooke	Dominick	Hansen
Burdick	Eagleton	Harris
Hart	McGovern	Schweiker
Hartke	McIntyre	Scott
Hatfield	Miller	Smith, Maine
Holland	Mondale	Smith, Ill.
Hollings	Montoya	Sparkman
Hruska	Moss	Spong
Hughes	Murphy	Stennis
Inouye	Packwood	Stevens
Jackson	Pastore	Symington
Jordan, N.C.	Pell	Talmadge
Jordan, Idaho	Percy	Tower
Magnuson	Prouty	Williams, N.J.
Mansfield	Proxmire	Williams, Del.
Mathias	Randolph	Yarborough
McClellan	Ribicoff	Young, N. Dak.
McGee	Saxbe	

NAYS—2

Goodell	Javits

NOT VOTING—15

Cannon	McCarthy	Pearson
Dodd	Metcalf	Russell
Fulbright	Mundt	Thurmond
Kennedy	Muskie	Tydings
Long	Nelson	Young, Ohio

So Mr. GOLDWATER's amendment was agreed to.

INCREASE OF PUBLIC DEBT LIMIT

Mr. MANSFIELD. Mr. President, I understand that there are no amendments to the pending business in the offing, so I think we will go into the third shift today. I ask unanimous consent that the pending business be laid aside, on the usual basis, and that the Senate proceed to the consideration of Calendar No. 986, H.R. 17802, an act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, again on the usual basis.

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

The LEGISLATIVE CLERK. A bill (H.R. 17802) to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, with the time to be taken out of the time on the bill.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LONG. 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. LONG. Mr. President, I yield myself 15 minutes on the bill.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 15 minutes.

Mr. LONG. Mr. President, the simplest way I can describe the bill now before the Senate is to say that it makes it possible for the Government to meet its financial obligations during the fiscal year 1971. It does this by raising the debt ceiling to $395 billion for that fiscal year. That something must be done is clearly shown by the fact that by the end of Tuesday the debt limitation will go down from $377 billion to $365 billion. At that same time, the actual debt subject to the limitation is expected to be about $372 billion. In other words, if we take no action, on Wednesday morning

the actual debt will be about $7 billion over the limitation effective on that date.

While a debt limitation may be useful in directing our attention to the budget totals, probably its most important contribution is in focusing the attention of Congress on the priorities implicit in its decisions on spending and revenues. But, while a debt limitation is useful in setting priorities, it serves no purpose to provide a limitation so severe that it denies the Government the ability to pay its bills as they become due. Put another way, I believe it is desirable to provide a limitation which is flexible enough to enable the Government to pay its bills and manage its debt in accordance with sound debt management practices.

Let me turn now to the specifics of the bill. The bill provides an $18 billion increase in the temporary debt ceiling, raising the ceiling from its present $377 billion level to $395 billion effective July 1, 1970. After July 1, 1971, the debt limitation will revert to a permanent debt limitation level of $380 billion in place of the present permanent level of $365 billion.

I realize that the need to raise the debt limitation by $18 billion from $377 billion to $395 billion is something which is likely to be misunderstood. People may well point out that, even after the substantial revisions made on May 19 of this year, the administration still is only projecting a unified budget deficit of $1.3 billion for the fiscal year 1971. In view of this, they understandably ask why is there a need for an $18 billion increase in the temporary debt ceiling?

The answer is that the unified budget is useful to economists and others in gaging the effect of the Government actions on the economy as a whole. It also is useful as a device which informs bankers and those in the financial markets what debt financing must be obtained from the public. However, it is not a good measurement of the balance or imbalance in the Federal Government's own operations apart from its fiduciary responsibility with respect to the trust funds. To measure the Federal Government's own operations, we need to focus on the Federal funds budget, which excludes trust fund receipts and disbursements. And when we turn to the Federal funds budget, we find that the deficit for the fiscal year 1971, according to the administration, is not $1.3 billion, but $10 billion.

In other words, when we direct out attention to the Federal funds budget—the budget which is pertinent in determining the size of the national debt—the problem takes on an entirely new dimension. The Federal funds deficit, in contrast to the deficit under the unified budget, is not reduced by the trust fund surpluses—which are expected to amount to nearly $9 billion in the fiscal year 1971. These trust fund surpluses are invested in U.S. Government obligations, as indeed the law requires. This, of course, reduces the need to borrow from the public, but the Government obligations held by the trust funds are just as much debt of the Federal Government as any other debt obligations which the Government issues, and are so counted for purposes of the statutory debt ceiling. As a result, we must look not at just the debt held by the public but also the debt held by the trust funds as well.

The Ways and Means Committee of the House recognized the existence of this confusion and asked for information in the budget which would provide our citizenry with the kind of information needed to enable them to understand the Federal budget deficit or surplus in its own accounts—the deficit taken into account for debt limitation. The Finance Committee agreed with the House Committee and in its report also asks the Bureau of the Budget to present the Federal funds budget in the same way as the present budget document develops the unified budget. We understand that the Bureau of the Budget has agreed to place a new section which is concerned with this relationship of the Federal funds budget well toward the front of the basic budget document.

With this background, let us turn now to why it is necessary to raise the temporary debt ceiling to $395 billion. To do this, I am going to build up to this $395 billion figure—item by item—so you can see just how we arrive at this total as being the necessary total.

We start with the fact that as of April 15, 1970, when the outstanding debt for the fiscal year 1970 reached its highest level, the amount of the debt subject to the limit was $374.9 billion. I start with this April figure because the ceiling must be high enough to accommodate the debt at its peak for the fiscal year. This seasonal peak in the debt occurs because, while expenditures flow out relatively evenly during the year, receipts are highly concentrated in the last quarter of the fiscal year.

To arrive at the debt limit needed for the new fiscal year, this $374.9 billion figure must then be increased by the current estimate of the Federal funds deficit for the period from April, 1970 to April, 1971. It so happens that the Federal funds deficit over this specific time period is expected to be larger than ever over the July to July period—namely, $13.2 billion instead of the $10 billion. This is true because there are an unusual number of expenditure items which occur during this period, such as the retroactive pay increase in this fiscal year, plus the fact that certain expenditures, such as military spending, this next year are likely to be concentrated even more than usual in the first part of the fiscal year 1971.

Next, in arriving at the needed debt limit we must take into account the fact that the cash balance on April 15, 1970, had declined to the inadequate level of $2.2 billion. In the past, we have assumed a cash balance of $4 billion but year by year this has proved to be less adequate as the level of expenditures has risen. The Treasury presented evidence to the committee that to maintain the past relationships of cash balance to expenditures, a cash balance of $6 billion is needed. Increasing the January 15, 1970, cash balance from $2.2 billion to $6 billion means that we must increase the amount subject to the debt limitation by an additional $3.8 billion.

Finally, in arriving at the needed debt limit, as in the past, we have always made an allowance of $3 billion for unknown contingencies.

To anyone who feels that we have been overgenerous in allowing a $6 billion cash balance and $3 billion allowance for contingencies, let me remind you that $9 billion is only sufficient to meet the Government's expenditures for about 2½ weeks. What business would want to operate on such a narrow margin?

Let me repeat these figures again because they offer concrete evidence of the need for the proposed revision in the debt ceiling.

We start with $374.9 billion debt subject to limit in April 1970.

Add the $13.2 billion of the Federal funds deficit arising between April 1970 and April 1971.

And then add $3.8 billion to restore the cash balance to $6 billion.

And finally add $3 billion for a contingency allowance.

If you add these figures up, you will get a total of $394.9 billion. This is the amount of debt subject to limit that the administration expects to be outstanding on April 15, 1971. This is why we need a $395 billion temporary debt effective July 1, 1970.

The bill also increases from $365 billion to $380 billion the permanent debt limitation. The $380 billion is a conservative approximation of the debt likely to be outstanding at the end of the fiscal year 1971. The debt outstanding at the end of the fiscal year 1970 is expected to be between $371 billion and $372 billion. Adding the administration's Federal funds deficit of $10 billion to this indicates a debt level of about $382 billion. It would be unrealistic to provide a permanent debt limitation much below this.

Actually, the proposed increase in the temporary debt ceiling to $395 billion is quite moderate considering the circumstances. There are at least two imponderables in estimating the budget for this next year which seem to me make the figures just presented—which are essentially the administration's figures—on the optimistic side.

Let us look first at the level of Government receipts. As we know, Government receipts depend in large measure upon the underlying economic situation, since the basis for estimating the various types of tax collections tends to vary with the economic situation. The administration, in making its receipt projections, has not changed its estimates of the economic outlook since it presented the budget last February. Since that time, the outlook has become more gloomy. It is hard for me to believe that the prospect for receipts now is as good as it was then. It is significant to note that the staff of the Joint Committee on Internal Revenue Taxation estimates that tax receipts may be appreciably lower than the Treasury figures—in fact, about $3 billion lower in the fiscal year 1971.

Second, in estimating a $10 billion deficit in the Federals funds budget in the fiscal year 1971, the administration assumes favorable action by Congress on

proposed revenue legislation which it is estimated would bring in $3.8 billion of additional receipts. This includes a new tax on lead in gasoline, the extension of the present excise tax rates on automobiles and telephones and a speedup in the collection of estate and gift taxes. I certainly do not favor the tax on lead in gasoline. Whether Congress will see fit to enact any of these proposals or not, I have no way of knowing. None of them has yet been considered by the Finance or Ways and Means Committees, and, I, along with others, may very well vote against some of them.

In addition, I have no way of knowing how the Senate will react when the committee is given an opportunity to consider the proposals in detail.

The two items which I have mentioned certainly suggest that as much as $6.8 billion of receipts which the administration takes into account in its estimates are, to say the least, in question—$3 billion of this because of questions as to the underlying income levels and $3.8 billion because part of the revenue depends only on legislation which is proposed and has not yet been considered by Congress and which may very well not be passed by Congress.

Despite the reasons that I have given to you why the debt could well exceed the proposed $395 billion temporary debt ceiling, I favor holding to this level proposed by the administration. I believe that, in view of all of the circumstances, this new ceiling is appropriate. It is a tight one, with virtually no margin for increases in spending above the latest estimate of $205.6 billion for the fiscal year 1971.

The debt limit in this bill of $395 billion, of course, seems very large—the highest limit that has yet been proposed. As large as it is, however, I think that it needs to be kept in perspective by comparing it with the gross national product and the total of private debt. These comparisons give us a perspective that is absent when we focus only on the public debt in relation to past levels of debt. They show us that the burden of the debt in relation to our economic capabilities has decreased year-by-year.

Since the end of 1946—the first full year after the end of World War II—gross national product has increased more than 4 times, from $221.4 billion to $956.3 billion at the end of 1969. In that same period of time, the total outstanding Federal debt—which includes the debt issued by Federal agencies—has risen from $259.1 billion to a total outstanding of $382 billion, representing an increase of less than 50 percent. These totals show the outstanding Federal debt as 117.8 percent of gross national product at the end of 1946 but as only 39.9 percent of gross national product on December 31, 1969.

In other words, measured against the gross national product, the national debt is one-fourth of what it was at the end of 1946.

Mr. President, I ask unanimous consent that the table showing this relationship be inserted in the RECORD at this point.

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

TABLE 1.—TOTAL OUTSTANDING FEDERAL GOVERNMENT DEBT RELATED TO GROSS NATIONAL PRODUCT, 1946-69

[Dollar amounts in billions]

End of calendar year	Gross national product [1]	Outstanding Federal debt	Federal debt a percent of gross national product
1946	$221.4	$260.7	117.8
1947	245.0	257.6	105.1
1948	261.2	253.8	97.2
1949	260.5	257.9	99.0
1950	311.2	257.8	82.8
1951	338.2	260.2	76.9
1952	361.0	268.3	74.3
1953	360.8	276.0	76.5
1954	379.8	279.5	73.6
1955	409.7	282.2	68.9
1956	433.2	278.3	64.2
1957	438.1	278.1	63.5
1958	469.2	285.3	60.8
1959	496.8	296.5	59.7
1960	503.4	296.6	58.9
1961	542.8	303.0	55.8
1962	574.7	311.3	54.2
1963	611.8	317.4	51.9
1964	654.0	327.0	50.0
1965	719.2	330.7	46.0
1966	770.2	343.3	44.6
1967	825.7	364.8	44.2
1968	900.6	373.1	41.4
1969	956.3	382.0	39.9

[1] Implied level end of year calculated as the average of the 4th and 1st calendar quarters at seasonally adjusted annual rates for the years 1939 through present. Prior to 1939 averages of 2 calendar-year figures are used as the best approximation of Dec. 31 levels.

Source: Office of the Secretary of the Treasury, Office of Debt Analysis.

Mr. LONG. Mr. President, I think it is also relevant to compare the outstanding Federal debt with the growth in the debt of individuals, corporations and State and local governments. Since 1946, the debt of each of these three sectors of the economy has increased about 800 percent. In contrast, outstanding Federal debt has increased only 50 percent. Federal debt was 58 percent of total Federal, State and local, and private debt in 1946, and it has decreased steadily in relative importance since then. It was only 20 percent of total outstanding debt at the end of calendar year 1969.

These comparisons help us appreciate that the Federal Government has been more careful about the extent to which it resorts to debt in order to finance its operations than any other major sector of the economy.

Mr. President, I ask unanimous consent that the table showing the relationship of these different types of debt for this period be inserted in the record at this point.

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

TABLE 2.—ESTIMATED GROSS GOVERNMENT AND PRIVATE DEBT, BY MAJOR CATEGORIES, 1946-69

[Dollar amounts in billions]

Dec. 31—	Private		Total	State and local	Outstanding Federal debt including Federal agency issues	Total	Percent Federal of total
	Individual	Corporate [1]					
1946	$59.9	$109.3	$169.2	$16.1	$260.7	$446.0	58
1947	69.4	128.9	198.3	17.5	257.6	473.4	54
1948	80.6	139.4	220.0	19.6	253.8	493.4	51
1949	90.4	140.3	230.7	22.2	257.9	510.8	50
1950	104.3	167.7	272.0	25.3	257.8	555.1	46
1951	114.3	191.9	306.2	28.0	260.2	594.4	44
1952	129.4	202.9	332.3	31.0	268.3	631.6	42
1953	143.2	212.9	356.1	35.0	276.0	667.1	41
1954	157.2	217.6	374.8	40.2	279.5	694.5	40
1955	180.1	253.9	434.9	46.3	282.2	763.4	37
1956	195.5	277.3	472.8	50.1	278.3	801.2	35
1957	207.6	295.8	503.4	54.7	278.1	836.2	33
1958	$222.9	$312.0	$534.9	$60.4	$285.3	$880.6	32
1959	245.0	341.4	586.4	66.6	296.5	949.5	31
1960	263.3	365.1	628.4	72.0	296.6	997.0	30
1961	284.8	391.5	676.3	77.6	303.0	1,056.9	29
1962	311.9	421.5	733.4	83.4	311.3	1,128.1	28
1963	345.8	457.1	802.2	89.5	317.4	1,209.1	26
1964	380.1	497.3	877.4	95.5	327.0	1,299.9	25
1965	416.1	551.9	968.0	103.1	330.7	1,401.8	24
1966	466.9	617.3	1,084.2	109.4	343.3	1,536.9	22
1967	480.6	664.4	1,145.0	117.4	364.8	1,627.2	22
1968	520.5	754.0	1,274.5	127.7	373.1	1,775.3	21
1969	555.1	861.0	1,416.1	137.0	382.0	1,935.1	20

[1] Includes debt of federally sponsored agencies excluded from the budget which amounted to $700,000,000 on Dec. 31, 1947; $9,000,000,000 on Dec. 31, 1967; and $21,500,000,000 on Dec. 31, 1968.

Source: Commerce and Treasury Departments.

Mr. LONG. Mr. President, I have already pointed out that if Congress fails to act on a new debt limitation the present ceiling of $377 billion as of July 1 of this year will revert to the $365 billion permanent ceiling. Since the debt subject to the ceiling is expected to be about $372 billion on July 1, this will result in a ceiling which is about $7 billion under the actual debt. While, of course, there would be no question concerning the legality of the outstanding debt on that date, if we fail to act, chaos could follow, and our Government would be placed in the kind of fiscal straitjacket that I am sure none of us would want. The Treasury Department would be unable to issue any new Government obligations—

not even securities to replace existing and maturing issues. In addition, savings bonds could not be issued and the whole system of payroll savings plans would be completely disrupted.

The Treasury cash balance would soon be exhausted. Substantial amounts of Treasury bills become due on a weekly basis during July and additional monthly issues mature at the end of July. If new bills cannot be issued to replace those that mature, the Treasury cash balance would be exhausted by July 9, and on that date $3.1 billion of Treasury bills mature.

Once the cash balance is exhausted, the Government would be compelled to delay payment of contract obligations, Government salaries, various loan and benefit programs and grants to States and local governments, even though they are owed and become due.

It is obvious we cannot permit these things to happen. We cannot play havoc with the Nation's finances.

Affirmative action on this bill does not signify that we condone large budget deficits or a mounting debt. Instead it means that we are taking positive action to provide the Government with sufficient flexibility to manage its affairs on the one hand, while on the other hand, nevertheless, maintaining reasonable restraint on Government spending.

I urge the Senate to pass H.R. 17802. I am sure that the Members of this Chamber, no matter what partisan issues may divide us, will act responsibly on a matter of this importance to the financial soundness of our country.

Mr. CURTIS. Mr. President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to state the amendment.

Mr. CURTIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

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

The amendment, ordered to be printed in the RECORD, reads as follows:

On page 1, between lines 10 and 11, insert the following new section:

SEC. 3. Commencing on the effective date of this Act, any individual occupying a position of Senator, Member of the House of Representatives, or Resident Commissioner from Puerto Rico, or anyone who occupies any such position and is also an officer of either House of the Congress, shall be paid at the rate authorized for that position or office on February 28, 1969. Commencing on the first day of the first month beginning after the Secretary of the Treasury has (1) determined that the Federal Funds budget has been balanced, and (2) notified the Speaker of the House of Representatives and the President of the Senate of such determination, the rate of compensation for each such position or office shall be the rate authorized for that position or office effective on March 1, 1969. For purposes of this section, the term "Federal Funds budget" refers to that type of budget prepared and presented to the Congress in table B–2, page 20 of the special analyses which accompanies the Budget of the United States Government for the fiscal year ending June 30, 1971 (House Document 91–240, part I, 91st Congress, 2d session.)

On page 1, line 11, strike out "SEC. 3" and insert in lieu thereof "SEC. 4".

Amend the title so as to read: "An Act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act, and for other purposes".

Mr. CURTIS. Mr. President, I ask unanimous consent that the distinguished Senator from Idaho (Mr. CHURCH) be added as a cosponsor of my amendment.

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

Mr. CURTIS. Mr. President, this amendment suspends the pay raise for Congressmen and Senators and officers of the House and Senate who are Representatives and Senators until such time as the Federal budget is balanced. It does not repeal the pay raise. It suspends it until the budget is balanced.

I offer the amendment for the purpose of helping to balance the budget.

Mr. President, I ask for the yeas and nays.

Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. CURTIS. Mr. President, I shall support the pending measure. It is painful, but it is necessary.

Mr. President, now, as to my amendment, I believe that the amendment will help bring about a balanced budget. It is for that purpose that I offer the amendment.

Can anyone here remember when a meeting has been called in this Chamber to discuss the budget? Can anyone remember at any time when our leadership or others were able to get the appropriating committees, and those committees that recommend taxes, together to discuss it? I say we can balance the budget if we want to. This does not have to be a very long suspension.

Mr. President, the requirement now imposed upon the Congress to vote an $18 billion increase in the statutory debt ceiling—to $395 billion—is a painful one indeed. But the Congress has no choice; if action is not taken promptly to provide an increase in the debt limit the ceiling will revert to the present permanent limitation of $365 billion on July 1. On that date the debt subject to the limitation would be $5 or $6 billion in excess of the legal ceiling, and the consequences could be serious. The Treasury could issue no new securities, and would have to meet maturing issues out of its cash balance. Once the cash balance is exhausted—and it would only be a matter of a few days—then would come payless paydays for Federal employees, the Government would not be able to meet its contractual obligations, Federal grants to State and local governments would be affected, and the economic consequences could be disastrous.

Of course, the Congress will not permit those things to happen. It will approve an increase in the debt limit—as it has done a dozen times in the past decade, during which time that limit will have been raised by $100 billion.

The real issue is not whether the debt limit should be increased, but why this painful annual exercise has become a necessity. And the answer is not difficult to find—it is due to our own profligacy, the failure to control Federal expenditures.

The fact that Federal expenditures have reached their present level marks within a decade challenges the imagination. Since fiscal year 1961 the Federal funds budget has shown a deficit each and every year. This string of budget deficits was capped by the unbelievable $28.3 billion deficit in fiscal 1968.

Those who must bear the responsibility for this sorry record—and the Congress must accept a major share of that responsibility—cannot blame the high cost of national defense or the Vietnam war. The facts refute any such claim. The facts are that it is the tremendous increase in the expenditures of the Government which has built up this huge debt and requires the Congress repeatedly to raise the debt limit; and the increased in spending is not due primarily to war or national security requirements, but to higher expenditures for domestic-civilian programs.

In the early 1960's, from the fiscal year 1961 through 1965, Federal Government expenditures increased by more than $20.5 billion; expenditures for the military functions of the Department of Defense and for military assistance accounted for only about $2.5 billion of that increase, while the increase in domestic-civilian spending exceeded $18 billion.

Between fiscal 1965, when the major escalation of this Nation's military action in Southeast Asia was begun, through the end of this fiscal year 1970 on June 30, budget outlays will have increased by almost $80 billion—$79.8 billion to be exact. Military and military assistance expenditures account for about $30 billion of the increase; the balance, almost $50 billion, represents the increase in expenditures for all other programs, largely domestic-civilian benefit programs.

What this analysis of recent Federal spending trends suggests, in addition to pointing to spending as the culprit in building up this huge public debt, is that this Government has been pursuing a totally unwise policy of "spending as usual" at home at a time when we have been confronted with significant commitments abroad—and this has been done largely at the insistence of the Congress, or at least with its consent. This policy has not only increased our indebtedness, it has also contributed very greatly to the severe inflationary pressures with which we are now struggling.

It should be emphasized, too, that this apparent willingness to incur debt, for almost any reason or purpose, is itself a costly matter. In the current fiscal year the expenditure for interest on the public debt will reach $19 billion, and in the fiscal year which begins July 1 interest costs will certainly exceed $20 billion. Think of it, in the 10-year period ending with fiscal 1970 expenditures for interest on the public debt will exceed $125 billion.

One of the major elements contributing to increasing the cost of operating the Government in recent years has been

payroll costs. We appear to have been afflicted in recent years by a severe case of "pay increase-itis." Substantial increases have been voted for the President and Vice President, Members of Congress and their staffs, Cabinet and subcabinet officials, and Federal employees up and down the line. Only recently we have approved a 6-percent pay raise for Federal employees which will cost more than $2.5 billion in fiscal 1971.

Over the past 7 years, while the number of Federal civilian employees has shown a net increase of about 20 percent, the Federal civilian payroll has increased by 70 percent—from $16.5 billion in fiscal 1964 to $28 billion in the current year. We have also liberalized employee retirement and other benefits, increasing their cost. Total civilian and military personnel cost, including personnel benefits, will exceed $50 billion in this fiscal year; this compares with $30.4 billion as recently as fiscal 1965. And we are facing demands for another round of pay increases—8 percent—for postal employees in the near future and a probable new round of classified employee pay boosts next year.

It is strange indeed that many among us who are now clamoring for the establishment of wage and price guidelines for private industry have been the most avid supporters of these pay increases for Federal employees. This is hardly an example with which to persuade private employers and unions to exercise discretion and restraint.

It has become fashionable, too, to identify a problem, elevate it quickly to the crisis stage, and then create a demand for Federal dollars as the only cure. We had a crisis in education, and Federal assistance for education has increased by more than 400 percent over the past decade, to a total of $5.2 billion in the current fiscal year—but the problems of education are still with us. To meet a health care crisis the Congress approved crash programs which have increased Federal health expenditures more than 1,400 percent in the last decade—to more than $14 billion this year, but we are advised this still is not enough.

We must disabuse ourselves of the idea that whenever a problem arises all we have to do is to throw a bundle of Federal dollars at it and it will disappear. What more often occurs is that the Congress is persuaded to adopt a hastily and poorly conceived program which proves much more costly than anticipated, but ineffective. Our current problems with the medicaid program is a case in point.

The Government's budgetary position is much more precarious than it appears to be on the surface—and this ties back directly to the pending debt limit legislation. The unified budget concept now in use, lumping together trust funds and general funds, tends to camouflage huge deficits in the general fund accounts, which result in increased debt and the need for this legislation. In the current fiscal year a general fund deficit of $11 billion is offset in large part by a $9 billion surplus in trust fund programs—under which contributions or revenues are held in trust or earmarked for specific purposes. The only honest measure for our deficit this year places the figure at $11 billion, because the Federal debt has increased by that amount.

These trust fund surpluses are invested in Treasury securities, and the money is then used to help finance the deficit in the general fund. But it is still an increase in debt which helps to increase interest costs, no matter what it is called. And we cannot escape the fact that this Government is spending $11 billion or more than it is taking in for programs financed out of general revenues.

The Congress and the administration must regain and retain control over Federal expenditures. The Congress has both an opportunity and a responsibility in this battle to control spending. But there is no easy way. Spending cannot be controlled by special device or gimmickry. The job can be done only by responsible action on the individual appropriation bills and on legislative bills which mandate or encourage spending increases.

The Congress must act responsibly in budgetary affairs, or we are lost. If it is the best judgment of the two Houses that certain expenditures should be made, and if there is no money in the Treasury from which those expenditures can be made, then offsetting reductions should be made in other programs, or we should be prepared to increase revenues to cover these increased costs. Otherwise, Members must be prepared to face the consequences at some future date; one of which will be higher public debt and more frequent repetition of this debt limit exercise.

Under our constitutional system, the Congress holds the purse strings. The bureaucracy can only spend that money which the Congress authorizes and appropriates. Upon the Congress falls the major responsibility relating to spending, debts, and taxes. I would not minimize the influence and the power of the executive branch in this area of endeavor. Whenever both the executive branch and the Congress want to end deficit spending and are willing to appoach the job with cooperation and determination, it can be accomplished. A balanced budget becomes hopeless when the Congress votes for additional spending in an irresponsible manner.

On June 25, 1970, the Senate remained in session until midnight to complete the action on the educational bill. By rollcall votes the Senate added to that bill over the amount recommended by the committee more than $300 million. The committee's recommendation was already above the budget recommendation. Many of us voted against every one of those increases offered on the floor of the Senate. It was not because the proposals were without merit—it was because there was no money in the till.

The problems of our country in this whole area of Federal spending, deficits, and the resulting inflation are much more acute than they would have been if each Congress over the last 40 years had been willing to levy taxes equal to outgo. If we believe that a program is a good one, we ought to have the courage and the honesty to levy sufficient taxes to pay for it. If a proposed expenditure is so lacking in merit that the country is not willing to assume additional tax obligations to pay for it, that spending program should not be inaugurated.

The soothsayers and the politicians who apparently cared little for the future have played down the evils of an increasing national debt. They have coined such expressions as, "We only owe it to ourselves." In more recent years the soothsayers and the politicians who lack the courage to vote for sufficient taxes to pay for their own proposals have taken comfort in the claim that even though the national debt is rising, it has not risen in comparison with the rising gross national product.

All of these comforting thoughts about the evils of the national debt would have merit except for one thing. The problem is that we have to pay the interest on the national debt. It is most difficult for any of us to realize that in the fiscal year which is now ending that the interest on the national debt amounts to $19,350,000,000. Every taxpayer should realize that before $1 is spent for any purpose of Government, we must raise over $19 billion to pay the interest.

Let us look at the Federal budget by functions. Here are some significant figures:

[*In billions of dollars*]

National defense	73.5
International affairs and finance	3.5
Space	3.4
Agriculture and rural development	5.3
Natural resources	2.5
Commerce and transportation	8.7
Community development and housing	3.7
Education and manpower	8.1
Health	14.9
Veterans benefits	8.4
Income security (83 percent is paid from trust funds)	50.3
General Government	4.0

By "General Government" we include central fiscal operations, such as the Internal Revenue Service, law enforcement and justice, property and records management, national capital region, the entire legislative branch, and the entire judicial branch, personnel management, executive direction, and other items.

These figures are the estimates for the fiscal year 1971 taken from the Bureau of the Budget publication entitled "The Budget in Brief" dated February 2, 1970.

If anyone is under the impression that this $19⅓ billion interest burden is insignificant, I would remind them of what this amount of money would do. It would pay for all of the following: Agriculture and rural development, conservation and natural resources, community development and housing, and practically the entire load of veterans benefits.

Or it can be stated another way. The annual cost of interest amounts to sufficient money to pay for all of our health services of $14.9 billion plus the costs of General Government of $4 billion and have $400 million left over.

We are spending $8.1 billion on education and manpower programs. We could pay for this plus our entire program for agriculture and rural development plus the general cost of Government plus our expenditures for conserving our natural resources for approximately the same amount that we are spending for interest for 1 year.

Let us put it this way. Our expected expenditures for this coming year for General Government, community development and housing, natural resources, space, and agriculture and rural development, amount to less than the cost of interest on the national debt for 1 year.

Mr. President, time is running out. The national debt has increased by $11 billion this fiscal year. The interest cost has gone up $1 billion since the budget estimates were made. Do we dare put off balancing the budget any longer? In offering my amendment to suspend the last pay raise for Congressmen and Senators until the budget is balanced, I am not unmindful of the fact that dollars involved in the cost of running the Congress represent less than one-fifth of 1 percent the total Federal funds budget. I do contend that to temporarily suspend this pay raise until the budget is in balance will accomplish several worthwhile things:

First. It will be notice to the entire country that Congress is taking the question of spending, debts, and inflation seriously.

Second. It will set an example for all the spenders in Government.

Third. It will set an example for all those in our economy who are urging excessive wage increases and excessive prices.

Fourth. It will aid in bringing about a balanced budget. It will mean that there will be 435 Representatives and 100 Senators conscious of the Government's income and outgo.

Mr. President, the pessimists and the defeatists contend that the Federal budget cannot be balanced. I shall never accept such an answer. For us to accept such a contention is to invite disaster. I believe in my country and I believe in its future greatness.

How can we eliminate a deficit of $11 billion? First we should make every reduction possible. Then what? Where are there some items that add up to $11 billion? I can tell you. In the so-called Tax Reform Act of 1969 there were tax reductions voted which, when fully effective, amount in the aggregate to $9.1 billion. Think of it—the Congress of the United States voting tax reductions of $9.1 billion and having to borrow money to do it. There were a few of us who did not vote for it. It would never have happened if Congress assumed its responsibility of talking about the budget and meeting and trying to work out something.

I will cite another item. An unlawful and illegal postal strike occurred in New York and some other major cities. As a result the Congress voted an across-the-board pay raise for all Government employees which is going to cost us $2.5 billion every year. Congress did not have to vote either this tax reduction or this pay raise. These two items alone, when fully effective, exceed the amount of our current deficit.

One important thing that is needed more than anything else to bring about a balanced budget is an understanding of our budget and our tax problems, plus courageous leadership on the part of the Congress of the United States. If I did not believe that the adoption of the amendment that I proposed would bring forth that courage and leadership, I would not have offered it.

Mr. President, we can reduce expenditures. We can collect sufficient taxes to pay those expenditures which cannot be reduced or eliminated and we can balance the budget if we have the faith and the courage to act. I urge the adoption of my amendment.

Mr. President, I have no doubt that passage of the amendment by the Senate and by the House of Representatives would result in more attention being focused on this problem of an ever-increasing national debt than anything we could do. I think it will have a greater potential in establishing conference over the country—yes, around the world—that the Government of the United States is taking its financial situation seriously. Again, let me repeat that I am under no illusion.

If we did away with the cost of running Congress we would reduce the budget by less than one-fifth of 1 percent, but that is not the point. The point which I am urging is that I believe this amendment, if agreed to and written into law will focus the attention on these continuing and continuing deficits and the Congress would take such action as is necessary, reduce some expenditures, eliminate others, and add some taxes.

We have gotten into debt this last fiscal year some $11 billion, or almost $1 billion a month. It is anticipated that will be the rate next year. It does not have to be.

The PRESIDING OFFICER. The Senator's 10 minutes have expired. The Senator has more time.

Who yields time?

Mr. CURTIS. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware (Mr. WILLIAMS).

Mr. WILLIAMS of Delaware. Mr. President, as a cosponsor of the amendment, I rise to support the position of the Senator from Nebraska. I realize fully, as he has admitted, that the dollar amount involved here is relatively small in comparison with the total debt, but the significance of the action would be tremendous as far as its impact on the American people is concerned in convincing them that we really mean business.

I have felt for a long time that one of the greatest mistakes we have made in this Congress was made a year and a half ago when we raised congressional salaries by 40 or 41 percent and that of the top executives in government from 40 to 80 percent.

I think that at a time when we are concerned with runaway inflation in this country, at a time when the administration and Congress today are urging organized labor to hold down their demands for wage increases because if they go beyond the cost-of-living increase they will be highly inflationary, at the same time when we are calling upon American business to hold down the price of products and forfeit some of their profits and are asking everybody else to make some sacrifices, Congress itself should exercise some restraint, we are in the position where the negotiators for the Government sit down with organized labor and industry urging that they have some degree of restraint while at the same time Congress has voted for itself 40- to 60-percent increases in wages; certainly we are not going to have much effect.

I think adopting this amendment would be one of the most constructive steps we could take because it would signify to the country, to organized labor and to industry, that we really mean business and that the Congress means that we cannot afford these wage increases. The example we would be setting tonight would go far toward helping control inflation.

Much has been made of the fact that when we compare the rise in the national debt and the gross national product as compared with what it was 10 years ago, the increase in the national debt is actually less than it was then. It was pointed out that during 1960 the national debt represented about 59 percent of our gross national product, whereas today it represents only about 39 percent. This comparison was given as an argument that we are much more solid financially today. This is a fallacious argument.

I pointed out to the witness that this same argument could be made with respect to the Penn Central. Using the argument of what the total debt of the Penn Central in 1960 was as related to the gross national product and what its debt is today when related to the gross national product, it could be argued they are in much better financial shape today, and yet the Penn Central has gone broke. The same thing is true with the Federal Government. I think it is time we recognized the fact that for the past 10 years we have been living beyond our income at the average rate of $1 billion a month. Today we are running at an annual deficit of $11 billion, but it is estimated that the real deficit next year, unless we take drastic steps, will not be $10 or $11 billion, but closer to $15 or $16 billion.

I think we have no choice except to face up to this situation in Congress.

Nothing would demonstrate more to American taxpayers that we mean business than to put our own salaries on the line. We would have the assurance that 535 Members of Congress would work hard to try to balance the budget, and I think if we got together we could do it in short order.

I hope the amendment will be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 3 minutes.

The Senator's amendment would require that we suspend the pay raise that went into effect at the beginning of this Congress. In effect, it would be giving ourselves a cut in pay until the Government came up with a balanced Federal funds budget or a balanced "administrative budget," to use the terms that were used prior to the adoption of the consolidated budget.

If Senators would look at the committee report, on page 3, they would see what our staff estimates the deficits to be and he would see also what the estimates are as far as the administration is concerned.

The administration relies upon a consolidated budget these days, which takes into account all Government revenues and all Government expenditures. That includes trust funds, unemployment insurance, social security, and other matters.

If one analyzes the budget, the way the administration thinks appropriate, based on its estimates, we would be saying that if we vote ourselves a cut in pay until such time as we can either raise revenues or reduce spending by $13.8 billion for 1971. If we pass all of the tax increases recommended by the administration and put into effect all the economies recommended by the administration, we would nevertheless be compelled to further reduce spending by $10 billion below that figure.

What the Senator would have us do would not be so difficult or so completely beyond the realm of reason if we were using a unified budget basis. On a unified budget basis, if we took the recommendations of the administration for taxes and made the reductions asked by the administration, we would be only $1.3 billion out of balance instead of $10 billion, the way the Senator's amendment would have us keep the books.

I would think that implicit in the amendment is the charge or irresponsibility toward the Republican administration. I have never made that charge, but it seems to me to say that we ought to cut our pay until we restrain this administration in its fiscal program by reducing spending $10 billion below what this administration proposes, is to propose something that certainly is not likely to happen any time soon. That would leave the inference that the administration is a very profligate group, to say the least, which, frankly, I do not believe is sustained by the facts.

One could apply that approach to almost anything. One could say, "Well, I think we ought to end the war in Vietnam, so I propose that we cut our salaries until the Vietnam war is over." Or one could say, "Let us go one better; let us be sure we are out of Vietnam. Let us not only cut our salaries, but pay $20,000 a year for the privilege of being in Congress until the troops are out of Vietnam."

One could say, "Even more important than that is to save ourselves from the effects of pollution. So we will reduce our salaries, or eliminate our salaries completely, until the pollution problem is solved."

Or one could say, "There is a crisis in law and order, so until crime is cut in half, let us not pay ourselves any salary."

Or one could say, "We ought to get on with the war on poverty. So until we have won our war on poverty and until our $5,500-or-fight friends have satisfied their demands upon Congress, we will cut our pay off and provide ourselves no pay whatever."

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

Mr. LONG. Mr. President, I yield myself 2 more minutes.

Mr. President, that approach makes no distinction between those who vote for the high figure and those who vote for the low figure. Nor does it for a moment entertain the possibility that something might be desirable to do, such as winning a war that we may be in, or such as providing for the poor, or cleaning up pollution, or providing for the needs of this Nation to the extent that Congress might be willing to go ahead and sustain a modest deficit in order to provide for the crying needs of this Nation.

As I sought to demonstrate in my speech, while it is true that the national debt, in dollars, is higher than it was, it is less than 40 percent of the gross national product today. The debt was about 73 percent of gross national product in 1954; and it was 118 percent of gross national product in 1946. So we are making progress in relative terms, in keeping our debt in line; and it seems to me that if one does not want to spend money, he ought to vote against the appropriations. It makes little sense that, having voted for the higher figures, a fellow would now vote to cut his salary. It makes no sense at all if he voted for the lower figures, to now vote to cut his salary anyway.

That being the case, Mr. President, I hope this amendment will not be agreed to.

The PRESIDING OFFICER (Mr. BURDICK). Who yields time?

Mr. CURTIS. Mr. President, I yield 2 minutes to the distinguished Senator from Arizona.

Mr. FANNIN. I thank the Senator from Nebraska, and I join him in supporting the amendment.

Mr. President, when the salary increases were established, we set a precedent that I think has been very damaging to the economy in this great Nation. When we look at just what we face as far as the budget outlook is concerned, we see, for fiscal year 1969, at the very best, almost a $5.5 billion deficit, for 1970 an $11 billion plus deficit, and almost the same for 1971. That is looking at it very optimistically.

When we take into consideration that the revenue assumptions on present projections will involve a definite increase in our 1970 gross national product, and continuing increases in future years, figuring it will rise in 1970 to $985 billion, personal income will be $800 billion. Corporate profit, though, will be about $89 billion. These are the same estimates that were used in February, though current conditions suggest they may be very optimistic. Corporate profits, analyzed through the first quarter, were down to $85 billion.

I thank the distinguished Senator from Nebraska.

Mr. CURTIS. Mr. President, I have 1 minute remaining. I reserve the remainder of my time.

Mr. LONG. Mr. President, I yield myself 2 minutes.

If the Senator thinks he can balance the budget and achieve all good things—and I would think the Senator wants to do what is good for the country—we ought to do more than just balance the budget. If this approach has merit to it, I would think we ought to use the approach to do a lot of other things, and maybe solve all the Nation's problems. Why solve just the problem of a balanced budget? If one wants to do that, I think taking it out on Congress, particularly those Senators who vote for the low figure, is hardly the way to do it.

It would make a lot better sense to start it 2 years from now, because we cannot cut the President's salary while he is in office. But, starting 2 years from now, while the President's salary would be only a nominal figure, if the President spent more money than he took in, on whatever basis you want to do it, there one would be in a position to punish the one who has responsibility right in his hands. The President does not have to spend the money just because we appropriate it. The President can refrain from spending.

I think it would be well to start with the salary of the President of the United States, who, after all, has the power not to spend the money—he can just refuse to spend it—rather than apply it only to Congress, where some of us have very little say over what the majority of this body will vote to do or not to do. I do not think the Senator's approach is the practical way to do it. I really believe, Mr. President, that the amendment should not be agreed to.

Mr. CURTIS. Mr. President, I yield myself such time as I have remaining.

I call to the attention of the Senate that a unanimous-consent agreement has been entered into that if this bill to raise the debt ceiling has an amendment attached to it, there is going to be offered a resolution to extend the debt ceiling for 15 days, so that this bill can go to conference. There will be no problem over it. There will be no crisis in the Treasury Department. It will not cause a delay. It will not cause any handicaps in managing the finances of this country, issuing bonds, or whatever else is necessary.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. CURTIS. I yield.

Mr. WILLIAMS of Delaware. I think it is well to add for the information of the Senate that this agreement has been worked out after a conference with the chairman of the House Ways and Means Committee, and I am sure it will be acceptable and that there will be no problem on that score.

The PRESIDING OFFICER. All time of the Senator from Nebraska has expired.

Mr. LONG. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 12 minutes.

Mr. LONG. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. BURDICK). All time having been yielded back, the question is on agreeing to the amendment of the Senator from Nebraska (Mr. CURTIS). On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator

from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from South Carolina (Mr. THURMOND) would each vote "yea."

The result was announced—yeas 29, nays 56, as follows:

[No. 187 Leg.]

YEAS—29

Allen	Fannin	Prouty
Allott	Hansen	Proxmire
Bellmon	Hartke	Smith, Maine
Byrd, Va.	Hruska	Smith, Ill.
Byrd, W. Va.	Jordan, Idaho	Symington
Church	Miller	Talmadge
Cotton	Montoya	Tower
Curtis	Moss	Williams, Del.
Dominick	Packwood	Young, N. Dak.
Ellender	Percy	

NAYS—56

Aiken	Gore	McGee
Anderson	Gravel	McGovern
Baker	Griffin	McIntyre
Bayh	Gurney	Metcalf
Bennett	Harris	Mondale
Bible	Hart	Murphy
Boggs	Hatfield	Pastore
Brooke	Holland	Pell
Burdick	Hollings	Randolph
Case	Hughes	Ribicoff
Cook	Inouye	Saxbe
Cooper	Jackson	Schweiker
Cranston	Javits	Scott
Dole	Jordan, N.C.	Sparkman
Eagleton	Long	Spong
Eastland	Magnuson	Stevens
Ervin	Mansfield	Williams, N.J.
Fong	Mathias	Yarborough
Goodell	McClellan	

NOT VOTING—15

Cannon	McCarthy	Russell
Dodd	Mundt	Stennis
Fulbright	Muskie	Thurmond
Goldwater	Nelson	Tydings
Kennedy	Pearson	Young, Ohio

So Mr. CURTIS' amendment was rejected.

Mr. WILLIAMS of Delaware. Mr. President, I call up my amendment at the desk and ask that it be stated.

The PRESIDING OFFICER (Mr. BURDICK). The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. WILLIAMS of Delaware. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that a copy of the amendment be printed in the RECORD.

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

The amendment ordered to be printed in the RECORD, reads as follows:

Insert at the end of the bill the following:

"SEC.—(a) General Limitation on Expenditures and Net Lending.—Expenditures and not lending during the fiscal year ending June 30, 1971, under the Budget of the United States Government shall, without regard to section 501(a) of the Second Supplemental Appropriations Act of 1970, not exceed the $205,600,000,000 estimated by the Bureau of the Budget in a public release on May 19, 1970, except by expenditures and net lending—

"(1) for interest in excess of the amounts estimated therefor by the Bureau of the Budget in its revision of the estimates of expenditure and net lending made on May 19, 1970,

"(2) for veterans' benefits and services in excess of the amounts estimated therefor by such revision, and

"(3) for payments from trust funds in excess of the amounts estimated therefor by such revision.

If hostilities in Vietnam involving United States Armed Forces cease during the fiscal year 1971, the figure of $205,600,000,000 in the preceding sentence shall be reduced by the amount of any decrease in Defense Department expenditures during the fiscal year occurring on account of such cessation of hostilities.

"(b) Reservation from Expenditures and Net Lending, Etc.—The President shall reserve from expenditures and net lending, from appropriations or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

"(c) Application of Limitation to Programs.—In the administration of any program as to which—

"(1) the amount of expenditures is limited pursuant to subsection (a), and

(2) the allocation, grant, apportionment, or other distribution of funds among recipients is required to be determined by application of a formula involving the amount appropriated or otherwise made available for distribution,

the amount available for expenditure (as determined by the President) shall be substituted for the amount appropriated or otherwise made available in the application of the formula."

Mr. WILLIAMS of Delaware. Mr. President, a copy of the amendment along with an explanation is on the desk of each Senator. It was put there earlier today.

I shall explain the amendment.

It merely proposes to put a mandatory ceiling on expenditures for fiscal 1971. It is anchored down in the same manner as was done in 1968 at the time we put the expenditure control ceiling on the bill sponsored by former Senator Smathers, of Florida and me.

The amendment limits the total expenditures to an amount not to exceed $205.6 billion for fiscal 1971 as estimated by the Bureau of the Budget public release of May 19, 1970, with just these exceptions.

Interest on the national debt is exempted. Veterans benefits and services in excess of the amounts estimated which are required by law and the payments from trust funds are exempted.

Trust funds, such as social security, unemployment, railroad retirement, and other types of trust funds which are mandatory, are exempted.

Other than that, there are no exceptions.

Mr. President, I quote from one of the best authorities I know of in support of the amendment.

I quote from Dr. Arthur Burns in a speech he made on May 19, 1970. At this time he was speaking before the American Bankers Association.

Dr. Burns' statement reads as follows:

lows:

The public is mindful that promises of fiscal restraint emanating from the Executive and the Congress have, time and again, been unfulfilled. We must not permit that to happen in the year ahead.

At this juncture of history, the business and financial public is deeply concerned that the Federal budgetary process may have gotten out of hand in recent years. There is some basis for this concern. Reforms of the Federal budgetary process are, I believe, essential to long-run improvement in conducting our stabilization policies and our battle againset inflation....

But for the immediate future, the single most constructive step that could be taken would be a legislative ceiling on Federal expenditures for the coming fiscal year. This ceiling should be tight enough to give reasonable assurance that Federal expenditures for fiscal 1971 do not rise appreciably above the level projected in the Budget last January.

I agree with the distinguished chairman of the Senate Finance Committee that the legislation now before us is of great importance. It is apparent to all of us that legislation is needed promptly to authorize a reasonable debt limit which will permit the Government to operate in an orderly and responsible fashion. So I do not think that the real issue is whether we should authorize a higher debt ceiling. To me the real issue is what additional provisions should be incorporated in the pending legislation to make it possible for us really to stay within the debt limit the bill provides for the entire fiscal year 1971.

There has been some sort of debt limitation in effect since 1917. I, like many of my colleagues in this body, strongly support a debt limitation and think that it is a helpful tool to keep the debt under control. Yet, it must be apparent to all of us that a debt limit alone cannot keep spending and the debt from mounting rapidly.

The last time we saw a surplus in the Federal funds budget was in fiscal 1960, when the surplus amounted to a modest $785 million. In every year of the decade that then followed there has been a deficit in the Federal funds budget—and these deficits have been large, ranging from $3.9 billion in fiscal 1965 to over $28 billion in fiscal 1968. Actually, the reason that we are here today considering a large increase in the debt limit is that a deficit of over $10 billion is in prospect for fiscal 1971, and although the amounts involved are generally smaller, the deficits on a unified budget basis have been almost as consistent. After 1960 there was a surplus in the unified budget in only 1 year—namely, 1969—while all of the remaining years showed deficits.

Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Delaware is recognized for 15 minutes.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. SAXBE. Mr. President, do I under-

stand that if the amendment of the Senator is agreed to, there will be an extension of the present increase to allow us to continue business after July 1?

Mr. WILLIAMS of Delaware. The Senator is correct. If this amendment is agreed to we have in the unanimous-consent agreement before us another unanimous consent with a provision that if any amendment is agreed to in this bill, which would require it to go to conference the Senate will immediately proceed to the consideration of another bill which will provide a 15-day extension.

This proposal has been discussed with the leadership of the House. It is acceptable. That second bill, for a 15-day extension, would not be subject to amendment. So we are assured that under no circumstances would this delay consideration of the debt ceiling extension.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. AIKEN. Mr. President, the Senator's amendment would not require that social security payments be cut or unemployment insurance compensation?

Mr. WILLIAMS of Delaware. The Senator is correct. It would not.

Mr. AIKEN. Or medicare, or any payment which is dependent upon trust funds?

Mr. WILLIAMS of Delaware. That is correct. Those payments are mandatory under the law. We cannot restrict the number of people who will be unemployed and draw unemployment insurance or who will retire and draw social security benefits. That is fixed by statute and would not be affected.

Mr. AIKEN. But suppose the Federal Government has used up all the trust funds in the meantime instead of permitting them to exceed the limit of $205.6 billion in order to meet——

Mr. PASTORE. Mr. President, we cannot hear a word of what is going on.

Mr. WILLIAMS of Delaware. Mr. President, if the Presiding Officer can get order, I will proceed.

The PRESIDING OFFICER. The Senate will be in order.

Mr. WILLIAMS of Delaware. Mr. President, the Senator asked if this would affect trust funds, unemployment trust fund, social security, or railroad retirement. The answer was no, that it would not.

Mr. PASTORE. Mr. President, I thank the Senator very much.

Mr. WILLIAMS of Delaware. Mr. President, we cannot gage to what exextent there will be increases in retirements under social security. We cannot gage to what extent there will be unemployment. Nor can we gage it for the railroad retirement or any of the trust funds. They would not be affected by the amendment at all. They are excluded.

Mr. AIKEN. Mr. President, my next question was if the government used up all the trust funds for some other purpose, how would it replace that?

Mr. WILLIAMS of Delaware. Mr. President, the Government cannot under the law use the trust funds for payments to defray the cost of any segment of the Government. They are trust funds and can only be invested in Government bonds. If the Government bonds go bad naturally the trust fund is bad, but that is the purpose of the amendment—to protect the stability of the American dollar which preserves the trust funds.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. BAKER. Mr. President, the question I have is whether under the amendment which has been presented, the income from the operation of an independent agency—such as the Tennessee Valley Authority which sells electricity to consumers and collects money for that electricity, which is under the unified budget and accounted for as income to the Treasury—would be affected. That is, would the money collected from the power consumers be subject to it?

Mr. WILLIAMS of Delaware. Mr. President, it would be affected since it is in the unified budget, and to the extent it exceeded the amount of the unified budget we would have to offset that in some other category.

Mr. BAKER. Mr. President, I ask the distinguished Senator whether he would agree with me that this money does not constitute tax revenue to the United States, but is money accruing because of the sale of the electricity.

It hardly seems fair to have the Treasury keep the money.

Mr. WILLIAMS of Delaware. The Treasury would not keep the money in that instance. An excellent argument can be made for TVA and for practically any other segment of our society; but if we are going to have expenditure controls we will have to have them across the board, and that is the manner in which this is drawn.

Mr. BAKER. Mr. President, will the Senator yield further?

Mr. WILLIAMS of Delaware. I yield.

Mr. BAKER. Mr. President, I wish to put the Senator on notice that at the conclusion of the debate on this amendment I will offer an amendment to this amendment to exclude TVA revenue from this measure.

Mr. WILLIAMS of Delaware. That is all right.

Mr. President, the result has been that year after year we have been called upon to raise the debt ceiling almost as a foregone conclusion to ratify prospective budget deficits and rapidly mounting Government debt. Year after year we have seen administrations of both parties come up with budget projections of spending which are consistently exceeded in actual practice. I want to be fair about this. This is not a problem which is unique to one party. It has happened under Republican administrations as well as under Democratic administrations. For example, in January of 1969 the outgoing Democratic administration estimated expenditures for fiscal 1970 at $195.7 billion; on April 15, 1969, the incoming Republican administration estimated fiscal 1970 expenditures at $192.9 billion; and now that fiscal 1970 is almost over, the actual spending for this year is expected to amount to $198.2 billion.

For fiscal 1971, projected spending on a unified budget basis has moved up $4.8 billion just in the interval between February of this year when the administration released its initial budget document and May 19 when revised estimates were released by the administration. Unless we do something now to prevent this it is more than likely that history will repeat itself and actual spending in fiscal 1971 will prove substantially greater than even the revised higher estimates projected now. I think that we just have to take adequate steps to prevent this from happening. There are still strong inflationary pressures in the economy in large measure because of excessive Government spending. So far this year the economy has been spinning its wheels and the gains in GNP are due to inflationary price rises rather than real gains in output. Excessive Government spending also resulted in reliance on tight money policies to restrain inflationary pressures.

In other words, excessive Government spending is one of the major reasons why we have had unprecedented rises in interest rates with such disastrous effects on homebuilding and small business. In addition, I want to remind you that as of the end of this month the income tax surcharge terminates and the personal exemption level rises from $600 to $650 on an annual basis. This will contribute to a resurgence of inflationary pressures unless, in the period ahead, Federal Government expenditures are carefully controlled.

I am, therefore, offering an amendment to this bill which is designed to check the rapid growth of Government spending. This amendment provides a workable and effective limitation on spending to work hand in hand with the debt ceiling in placing a rein on Government expenditures. Although the amendment was not adopted by the Finance Committee it has strong support in the committee; in fact, had there been a switch of only one vote in the Finance Committee, the amendment would have carried and would be part of the bill now before you.

Incidentally, I hope it is a propitious omen for this amendment that the expenditure limit in the Revenue Expenditure and Control Act of 1968, which proved so successful in helping to convert a budgetary deficit of over $25 billion in fiscal 1968 to a surplus of over $3 billion in fiscal 1969 based on the unified budget, also missed being adopted by the Finance Committee by only one vote but was subsequently adopted on the floor of the Senate.

Let me explain how the expenditure limit contained in my amendment would work. The amendment limits expenditures during the fiscal year ending June 30, 1971, to $205.6 billion. This is the projected expenditure figure released by the Budget Bureau on May 19, 1970, which I understand represents the administration's latest estimate of spending in fiscal 1971.

The limit would not apply to spending in excess of the amounts projected in the Budget Bureau's document of May 19, 1970, for three items. These are, first, interest on the public debt, second, expenditures for veterans' benefits and

services, and third, payments of trust funds. In other words, spending on these three items in excess of the amount of spending projected for them in the Budget Bureau's May 19 document would not be counted for purposes of applying the $205.6 billion expenditure limit.

The PRESIDING OFFICER. The Senator's 15 minutes have expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. HOLLAND. Mr. President, I am disturbed by just one thing and that is, What will be the result of the coming in of supplemental budget items to reflect expenditures which will have to be made to meet increased programs set up by this Congress? For instance, I was informed only yesterday by the Department of Agriculture that a new budget with around $290 million will reach us the next day or two to cover increased costs of the school lunch program. How will that kind of situation—and there will be others like it—be affected by the adoption of the amendment?

Mr. WILLIAMS of Delaware. To the extent that that was included in their May 19 estimate, it would not be affected. If it were not included we would have to find a corresponding reduction in some other programs.

Mr. HOLLAND. Could we, by providing in the legislation that this should not be counted in connection with this particular limitation, meet that point, because I am sure there will be other necessitous matters, and that is only one. We passed a new school lunch bill which sets up heavier costs, and I am sure we will have other similar matters although I shall not attempt to enumerate them now.

Can we provide in the appropriations bill itself that that particular item of increase will not apply to or have any effect produced upon it by this amendment, if this amendment is agreed to?

Mr. WILLIAMS of Delaware. Congress can always amend any law it enacts. Certainly it could amend this act if it is approved and raise the ceiling by $200 or $300 million, but it would have to be done by legislative action. It would not be done automatically. It would take affirmative action.

Mr. HOLLAND. I thank the Senator for yielding.

Mr. WILLIAMS of Delaware. Mr. President, to implement the expenditure ceiling the President would be required to reserve from expenditures and net lending from appropriations and other obligational authority such amounts as are necessary to hold spending to the $205.6 billion total. In this connection, the amendment contains provisions making it possible for the President to effectuate the expenditure limit in cases where there are requirements to apply specific formula in distributing funds.

The amendment also provides for maintaining an effective ceiling in the event that a termination of hostilities in Vietnam results in reductions in Defense Department expenditures. Any savings in Defense Department expenditures resulting from such a termination of hostilities would not be available as expenditures in other areas.

I would like to emphasize that while this is the first time, to my knowledge, that an expenditure limit would be combined with the debt ceiling, the concept of an expenditure limit is not new. In fact, the Revenue and Expenditure Control Act of 1968 made provision for an expenditure limit which was highly successful in keeping total overall expenditures under control. As I have already indicated, this limitation played an important role in shifting the budget from a deficit of over $25 billion in fiscal 1968 to a surplus of over $3 billion in fiscal 1969.

The Second Supplemental Appropriations Act also contains an expenditure ceiling which appears to limit expenditures to a total of $200.8 billion. However, the limitation in this act is a floating limitation which automatically rises whenever legislation is passed exceeding the President's budget recommendations. In addition there are numerous exceptions from the limit which under the conference version of this act could add as much as $4.5 billion to spending. Consequently the Second Supplemental Appropriations Act, in my opinion, does not provide an effective limitation on spending.

I want to emphasize that the $205.6 billion limit on expenditures under my amendment represents a reasonable limitation. In fact, some might regard it as an unusually generous figure for Government spending in the coming fiscal year, and certainly we all should be able to agree that it does not place the Government in any financial straitjacket and is ample to provide for the Government's proper needs. The $205.6 billion limit is ample to accommodate the entire amount of spending projected by the Budget Bureau in its May 19 document. It even makes provision for the $4.8 billion of additional spending over and beyond the original $200.8 billion spending estimate projected in the initial Budget document in February of this year. On a unified budget basis the $205.6 billion expenditure limit is even large enough when taken together with estimated receipts to accommodate the $1.3 billion deficit estimated by the Budget Bureau in its May 19 document, which in turn represents an abrupt shift from the $1.3 billion surplus estimated in the original February budget document.

The PRESIDING OFFICER. All time has expired.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes on the bill.

The PRESIDING OFFICER. All time has expired.

Mr. WILLIAMS of Delaware. I yield myself 5 minutes on the bill. Can I not do that?

Mr. MANSFIELD. Mr. President, I will yield the Senator 5 minutes on the bill.

Mr. WILLIAMS of Delaware. The Senator from Pennsylvania authorized me to yield time.

Mr. MANSFIELD. He is not here.

Mr. WILLIAMS of Delaware. Mr. President, there is another point that I think the Members of the Senate should fully understand. The expenditure limit provided by my amendment would play an important role in helping to see to it that the new debt limit of $395 billion contained in the pending legislation will be adequate to last through the fiscal year and that we will not some time during the year be confronted by still another request to raise the debt ceiling above the $395 billion figure.

This is not a mere theoretical possibility; it is a very real danger. The proposed $395 billion debt ceiling is based on the administration's figures which assume that $3.8 billion of receipts will be collected as a result of proposed new legislation. This includes a new tax on lead in gasoline, extension of the present excise tax rate on automobiles and telephones, and a speedup in the collection of estate and gift taxes. The Congress will, of course, consider these proposals. However, it is exceedingly rare for any administration to have a 100 percent batting average on its tax proposals.

A similar consideration applies to the estimates of receipts from existing taxes in fiscal 1971. As you know, Government receipts depend in large measure upon the underlying economic situation since the bases of the different taxes vary with this situation. There is room for honest differences of opinion as to what the Government tax receipts will be in fiscal 1971, but it may be significant that the staff of the Joint Committee on Internal Revenue Taxation estimates that tax receipts will be essentially lower than the Treasury figure—in fact about $3 billion lower in fiscal 1971.

What all this means is that there is a strong possibility that receipts in fiscal 1971 will not come up to the levels projected in the latest revision of the budget. In fact, according to the administration's figures if the proposed legislation to raise revenue is not adopted the Federal funds deficit for fiscal 1971 rises from $10 billion to $13.8 billion, and if we add to this the staff estimates that revenue receipts will be $3 billion under the level projected by the administration the Federal funds deficit would rise to $16.8 billion. I am not saying that all of this will happen, but it seems to me that with these problems already on the receipt side of the budget the very least that we can do is to provide a fighting chance of meeting the debt limitation by providing that actual expenditures during fiscal 1971 will not exceed projected levels. This is one of the major reasons why the expenditure ceiling proposed by my amendment is so essential.

Finally, I would like to say a few words about the considerable misunderstanding which seems to exist in certain quarters regarding the effect of the proposed expenditure limit. Some have argued that there is no need for an overall ceiling of this type since the Congress has the authority to keep spending under control by seeing to it that specific appropriations are reasonable. Others have maintained that my amendment would involve the relinquishment of essential powers over expenditures by the Congress.

These arguments, it seems to me, fall very much wide of the mark. It should be apparent by now that our present procedure of operating without an expenditure ceiling just does not work and that we need an effective ceiling to keep spending under control. My amendment does not call for the Congress to give up any of its essential powers over expenditures. Moreover, the Congress will always have the power, through appropriate legislation increasing the ceiling, to increase expenditures above any specified ceiling which is enacted. However, what the ceiling is intended to accomplish is to help us to focus on overall spending. In a sense it means that the Congress would put a target figure on overall spending just as the administration does in developing its budget.

In the final analysis, if the Congress keeps the spending within the overall ceiling the administration would not be called upon to take any action whatsoever under my amendment. Under the expenditure limit the first line of defense against excessive spending would remain where it has always been—in the hands of the Congress. It is only if this first line of defense is breached that the administration would be required to take action. In other words, the ceiling leaves Congress with complete powers to determine spending within the limit that it has set itself. In this regard the Senate would be in a particularly good position to conform spending to the ceiling since it has not yet taken action on appropriations for fiscal 1971.

I hope that the Senate will see fit to adopt my amendment. Again I want to remind my distinguished colleagues that the real issue before us is not whether the debt limit is to be increased. What is at issue is whether the debt limitation is to be increased in a responsible way—in a way which improves our chances of checking the large budgetary deficits which are responsible for the continual annual requests to increase the debt limit. By providing an effective expenditure limit in the pending legislation the Senate can take a tremendous step toward this objective and adopt a major reform in the management of the Nation's fiscal affairs.

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

The yeas and nays were ordered.

Mr. BAKER. Mr. President——

Mr. LONG. Mr. President, I yield 5 minutes to the Senator from Utah (Mr. BENNETT).

Mr. BENNETT. Mr. President, it is very difficult for me to stand up and oppose my leader in the Finance Committee and my very good friend, Senator WILLIAMS, who certainly has earned the title of "Conscience of the Senate." But tonight, I am afraid, he is working to put the pressure on the wrong person. If he were really the conscience of the Senate, he would be asking us to put a total limit on the appropriations that we pass in a given year, instead of asking the President to take the appropriations we send him, over which he has no control, and then attempt to control the amount of them that he spends. Someday, perhaps, we will have a bill which will require the Appropriations Committee to put a total limit on appropriations, but we do not have it now.

As I see the Senator's argument, there are four practical weaknesses in it. He recognizes that it is impossible to make the ceiling tight, and so he suggests four very important exceptions, but before he is through explaining the program, our friend from Florida says, "The school lunch program is so important. Can we not write into it that it must be an exception?" And this is one of the risks; knowing that such a ceiling exists, every important appropriation bill will carry a provision in it making an exception.

Actually, only one appropriation bill has been signed into law, and only three have passed the Senate. So there are plenty of bills left in which to make exceptions.

The second problem which we face is that we have already passed one bill, the education bill, with a total $800 million higher than the President's recommendation. So if that bill represented the sum total of the problem, the President would have to take $800 million from some other program.

The third problem is a new one. Tomorrow we are going to vote as to whether or not we will override a veto, and in the bill we are going to consider tomorrow is a new gimmick which says the President must spend every dollar appropriated in that bill. So we cannot put a ceiling on him, and if we were to put a ceiling on him, then the Appropriations Committee could put that gimmick in every future appropriation bill—and most of them have yet to be passed—"You have got to spend every dollar."

Perhaps if we gave the President an item veto, he might be able to do something about it.

But before I leave the bill we are going to handle tomorrow, let me say that we increased the President's request by $350 million in that bill. So here is a total of more than $1 billion that we have already passed—and we have passed only three bills—and now we are going to say to the President, "We are going to be generous. We are going to get the people of this country all worked up to think they are going to get this additional money. But, unfortunately, you cannot give it to them. You have got to use the power of your office to take it away from them."

He is my President, and I do not want to put him in that spot. I am afraid I voted to put President Johnson in that spot in 1968, and then it was interesting to me to see how quickly the exceptions came in the appropriation bills.

I think that, much as we hope to see expenditures controlled, we have to remember that we have the power of the purse, not the President, and I hope we will not impose this limitation on him.

Mr. COOK. Mr. President, will the Senator yield me 1 minute?

Mr. LONG. I yield 1 minute to the Senator.

Mr. COOK. Mr. President, will the Senator from Utah yield for a question?

Mr. BENNETT. I yield.

Mr. COOK. I am delighted to hear the remarks of the Senator from Utah, because I am quite sure there will be some Senators who will vote for the amendment who will vote to override the President's veto tomorrow. Previously, at almost midnight one night recently, we voted to pass a bill that was $1.03 billion over the budget.

I am delighted to hear the Senator from Utah's explanation, because I think it really puts it in true perspective. What we are really trying to do, as the Senator so well put it, is put the burden on the President when the burden really lies with us.

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

Mr. BENNETT. I will, if I have time.

Mr. LONG. Mr. President, I yield the Senator some time.

Mr. COTTON. Is it not a fact that if the mandatory provisions adopted, for instance, in the hospital bill were released and made not mandatory so that it would take the President——

Mr. BENNETT. But we are going to pass that bill over his veto tomorrow, and it will still be mandatory. I am no prophet, but I think that is about what is going to happen.

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

Who yields time?

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 3 minutes. Then I promised to yield to the Senator from Indiana.

I will yield to him first, if he wishes.

I yield to the Senator from Indiana.

The PRESIDING OFFICER. Is the time off the bill?

Mr. WILLIAMS of Delaware. Yes, the time is from the bill.

Mr. HARTKE. Mr. President, I intend to support the Williams amendment. It is based on a rather simple proposition, in my opinion; that is, that we can balance the budget if we want to. After all, this is the first time in the history of the United States that we have had a budget which is in excess of $200 billion.

The amendment submitted by the Senator from Delaware is not really as comprehensive as the original Expenditure Control Act of 1968. At that time, I remember that it was put forth here with a great deal of effort and a combination of Democrats and Republicans.

More important, we can balance the budget in a sensible, humane way without meat-ax cuts in programs that are vital to the American people.

This is not the occasion to go into great detail about particular items in the Federal budget. But the point I am making can be clearly understood by refering to only a few of the more obvious drains on the Treasury.

Consider the Safeguard and anti-ballistic-missile, a multibillion dollar experiment in nuclear gadgetry which the overwhelming majority of our scientists say cannot even be made to work.

Or consider the supersonic transport—another billion-dollar item, and one whose only discernible virtue is to enable the jet set to get from New York to Paris a little quicker.

And let us not forget our super-generous farm subsidies—super-generous to the giant landowner but only modestly helpful to the family farm. Hundreds of millions of dollars could be saved by placing a ceilng of $20,000 per year on

the amount that any one farmer could receive.

The list goes on and on. I shall be happy to produce detailed figures for anyone who doubts the feasibility of a sensible, progressive balanced budget

The great virtue of the pending amendment is that it will force our budgetmakers to face up to the responsibility of cutting the fat where it can be cut without harm to any legitimate national interest.

I support the amendment and I hope it will be agreed to.

Mr. WILLIAMS of Delaware. Mr. President, I yield myself 5 minutes from the bill to reply to the question raised earlier by the Senator from New Hampshire.

This bill provides a firm ceiling so far as the expenditures are concerned. The reason it is important that we act at this time is this: At the time we offered this amendment in the Finance Committee—and it was approved—not a single appropriation bill for this fiscal year had then been approved by Congress. It is true that the supplemental and the education bill have since been acted on; but this ceiling applies directly to Congress, and it is expected that Congress will make those reductions. As Congress increases expenditures in one area we should establish a priority; we are supposed to make an offsetting decrease in another area. However, if Congress does not and appropriates more money than can be made under the mandatory ceiling, then section (b) of the amendment provides:

> Reservation from expenditures and net lending, and so forth. The President shall reserve from expenditures the net lending from appropriation or other obligational authority heretofore or hereafter made available, such amounts as may be necessary to effectuate the provisions of subsection (a).

In other words, we confer upon the President the authority to make the cuts in any area he wishes when Congress fails to act. Conceivably, if he wants to, he can make them in the same areas Congress had made mandatory. He can rescind that mandatory expenditure under this proposal if this amendment is enacted.

Mr. COTTON. Mr. President, will the Senator yield for one question?

Mr. WILLIAMS of Delaware. I yield.

Mr. COTTON. The Hill-Burton hospital authorization bill, which the President vetoed, without going into all the details, to my understanding was vetoed because certain appropriations that would be made under the authority of that bill were made mandatory; the President had to spend the money.

Mr. WILLIAMS of Delaware. Correct.

Mr. COTTON. That was the reason for the veto. If the Senator's amendment is adopted, under (b) on the second page of that bill, does it have the effect of rescinding that mandatory provision, so that the President would not be held to account for the mandatory provisions heretofore put in the authorization bill for the Hill-Burton plan?

Mr. WILLIAMS of Delaware. If he so elected to do, yes. Or he could spend that money, but then there would have to be offsetting increases in some other category. If Congress did not make the offsetting increases the President could make them somewhere else, or if he thought best he could make them there.

Mr. COTTON. What I want to make sure of is, if this amendment is adopted, does (b) on page 2 relieve the President from the mandatory provisions, if he desires to be relieved from the mandatory provisions, in the Hill-Burton authorization bill?

Mr. WILLIAMS of Delaware. It does. He could withhold those so-called mandatory expenditures under this amendment.

This section was put in there specifically for that purpose. It was worked out by the staff of our committee in conjunction with the Bureau of the Budget, and that is the interpretation that they accept on it.

Mr. COTTON. He could hold it up. He would not be obliged to spend all of the funds under the mandatory provision?

Mr. WILLIAMS of Delaware. That is correct. It would make possible the cancellation of that mandatory expenditure.

Mr. President, there is no question about that. As was stated earlier, you could get a good argument for many of these programs; but the question arises: Do we or do we not want to live within the ceiling and work toward a balanced budget? I think that is the important question we are going to decide here tonight. Personally, I think that in this inflation period we have no other choice.

This is the same amendment, tailored for the existing fiscal year, that the former Senator from Florida (Mr. Smathers) and I insisted upon when President Johnson was in the White House, and I am insisting upon the same provisions today. In my remarks I said this accumulation of deficits cannot be attributed necessarily to one political body. I think it is something we have all got to work together on, across the aisles, in order to achieve. I hope we can adopt this amendment, which is similar to what we did under the preceding administration. I think it is just as much needed today as it was then.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. MILLER. Mr. President, apropos of the colloquy between the Senator from Delaware and the Senator from New Hampshire, it seems to me that if we take this action, after the action on the appropriations bill, we have, or by our subsequent action, made it clear that our intention is that the preceding action is modified, as provided by the Senator's bill.

The Senator from New Hampshire is a lawyer, and he well knows that subsequent legislative action will determine the overriding intent of Congress. But I would like to ask the Senator this question: With respect to general appropriation bills, if Congress decides it wants to have mandatory spending, will that not require that the appropriations bill also include an increase in the ceiling that is before us?

Mr. WILLIAMS of Delaware. Yes; that is a legislative matter which could be done, as I stated earlier. I fully recognize Congress could adopt this proposal here tonight and tomorrow raise the ceiling by $5 billion if it wanted to, but it would take legislative action. There is nothing automatic about it.

Mr. COTTON. One quick question. In the case of formulas and other mandatory spending, which apparently the President was advised when he vetoed the HEW appropriations last year that, without any specific mandatory provision being written into the appropriations bill, certain types of obligations are mandatory, where the formulas are with States, and so forth, does this section (b) release the President from those mandatory requirements?

Mr. WILLIAMS of Delaware. This section would release the President from any mandatory obligation authority heretofore or hereafter enacted if the carrying out of that action would cause him to exceed the budgetary ceiling. The answer is yes.

Congress and the American taxpayers should be on notice. Failure to control expenditures will mean tax increases next year and the year after.

Unless this amendment is adopted or some similar control over expenditures is enacted our deficit next year may well exceed $15 billion or $20 billion.

The PRESIDING OFFICER. Who yields time?

Mr. LONG. Mr. President, I yield myself 5 minutes.

The Senator has pointed out that if we override the President's veto on tomorrow, and pass the Senate amendment here tonight, then overriding the veto tomorrow will be an exercise in futility, because we, with this amendment, will already have killed what Congress would have done by passing that bill. In other words notwithstanding what was done in that bill, the President can, if we pass the Williams amendment, nevertheless rescind the action of Congress.

The administration objects to this amendment, and I believe the administration's objection is stated most succintly, and I think best argued, by an excerpt of one paragraph from a letter written by the Director of the Budget.

He says:

> The expenditure limit now being proposed for 1971—

This is an earlier version of the amendment of the Senator from Delaware—

> allows Members of Congress to be for spending—on individual appropriations and other legislative matters—and for saving—on the aggregate ceiling—at the same time, shifting to the President the distasteful task of cutting programs below the level which both he and the Congress, in careful deliberation, deemed necessary.

In other words, Mr. President, here we were voting on appropriations the other night. I must say that I voted for the low figure in most cases. But, regardless of how a Senator voted, the Senate voted to exceed what the administration requested, and then, if it votes for the Williams amendment, proceeds to say, "Mr. President, if you spend what we voted for you to spend you are doing the wrong thing."

The Senator's amendment also has something in it which might escape the

eye, but he is consistent in saying this—if hostilities terminate in Vietnam, these additional sums that Congress has voted for air pollution or for education or for health or for welfare cannot be spent. In other words, let us say you save $15 billion by terminating hostilities in Vietnam. If this is true under the amendment you must reduce this ceiling from $205.6 billion to $190.6 billion. So that what you save in Vietnam spending cannot be spent for additions to domestic programs, even though the money is there, because anything that is saved by the end of hostilities cannot be shifted into increases in domestic programs.

So, if one wants to vote for this, and if he has voted for the high appropriation amounts, he in effect is saying, "Mr. President, it is against the law to spend the money we authorized you to spend."

The Senator's amendment even goes to the extent of providing that even though Congress says certain amounts shall or must be spent, the Congress does not mean that, despite what it said.

Mr. President, Congress voted this kind of thing in 1968, and then it promptly went to work all the next year providing first one exception and then another exception to say that, notwithstanding the limitation, the administration should go ahead and spend the money provided by some particular appropriation bill. That bill has set the pattern for the kinds of things we now see—and which is referred to in the budget letter—such as in the Elementary and Secondary Education Act, where we find the proposition that, notwithstanding future amendments—such as the one proposed here, limiting expenditures—the administration should go ahead and spend the money in the authorization.

Of course, that presents something of a question as to which act is controlling. But here is an effort to provide in advance that should this type of amendment be provided, the administration should nevertheless go ahead and take care of the education expenses. I think this presents something of a legal snarl.

The question is, Just how hypocritical does Congress want to be? I am not speaking for the Senator from Delaware. He voted to cut all appropriations, anyway. He is 100-percent consistent. He is against adding onto the funds for almost anything. But how consistent does that make us, to now vote "Nay" and say, "You will not spend that, even though we voted for it"?

Another thing which should be pointed out is that, while the Senator does exempt three noncontrollable items, there are quite a few others he does not exempt in his amendment. For example, he does not exempt expenditures for farm price supports. Assume that we provided what the President has recommended and what we think appropriate for health or for pollution control or something else. If we find that farm price supports cost a little more than we anticipated, the President has to reduce something in the other areas where we followed his recommendations.

If a disaster occurs, such as Hurricane Betsy or Hurricane Carla, and if the President tries to find money to provide for the disaster, he has to reduce something else.

If this amendment is agreed to, it will mean that we will have to act on the debt limit at a later date. We would pass a 15-day extension of the present debt limit and try to work out this amendment later on. We would have to come back a second time to do what I think we should be doing tonight. It will mean that we will be acting on a spending limit before we know what the Appropriations Committees are going to do, in trying to provide that if they exceed the budget, the money cannot be spent. Then we will have objections made and points of order made, when the Appropriations Committee brings out a bill recommending what the committee thinks it ought to do.

If we are going to have some general cutback on all spending that is voted by Congress, it seems much more appropriate to me that we would wait until we have the last appropriations bill before us, and then having seen what all the appropriations are, try to cut back on all the amounts that are recommended. That would be more orderly than if we were to tell the President in advance, before we even vote to add to an appropriation, "Do not spend it, Mr. President. This is not to be spent."

Mr. PASTORE. Mr. President, will the Senator yield for a question?

Mr. LONG. I yield.

Mr. PASTORE. Does it not amount to this: What we are doing is that we are relinquishing from Congress the right to set the priorities. We are assigning that responsibility to the President, and we are leaving it up to him to decide where the money shall go, and we say where the money shall not go.

The argument has been made here that possibly it would be a good thing to take it out of ABM. The fact still remains that that happens to be the pet project of this administration; so, naturally, the President is not going to take it out of there. The next suggestion was to take it out of the SST. That happens to be a pet project of the administration; so he is not going to take it out of there, either.

It would be wonderful if it could be taken out of the projects that do not have a priority. But with this amendment we are releasing ourselves from that responsibility and we are giving it to him. So it is going to end up that the President is going to have the right to set his own priorities.

Mr. LONG. I yield 5 minutes to the Senator from West Virginia.

SENATOR RANDOLPH BELIEVES CONGRESS HAS RESPONSIBILITY ON PRIORITY OF PROGRAMS

Mr. RANDOLPH. Mr. President, over the years, our distinguished colleague, the Senator from Delaware (Mr. WILLIAMS), has performed many services for the Senate and for this Nation. Through his diligent watchfulness, Senator WILLIAMS has without doubt influenced the course of our national life in many constructive respects.

It is therefore with regret that I oppose his proposal to establish a fixed ceiling on total spending by the Federal Government. It is my belief that such a ceiling at this time would be unwise in the extreme as well as impracticable.

I feel that the control of Federal spending, as indicated by the Senator from Utah (Mr. BENNETT), that this amendment seeks to establish, could be achieved better by another method. Under the proposal of the Senator from Delaware, a combination of circumstances would give the President and the administration an unwarranted latitude in determining the allocation of Government resources and the establishment of national priorities.

The able Senator from Rhode Island has just made this point very well. In other words, the President—not Congress—would call the shots, and the Congress would not be discharging its responsibility in establishing priorities in Government programs.

Further, Mr. President, the nature of our system of Government is such that a ceiling cannot be placed on overall spending and appropriations for the various Government functions to be made to fit within it.

The most recent example is the congressional effort to override the President's veto of the extension of the Hill-Burton Act. It was said by many Members tonight during the debate that this override effort—and I believe it will be successful—resists the President by requiring that all of the funds appropriated for hospital construction and modernization be spent. If such requirements were in effect in several programs and we had a ceiling as proposed by the Senator from Delaware, the President would be forced to make his cutbacks in other areas, which would not be subject to review by Congress. These could be extensive and reach far below what the President or Congress believe adequate to meet the needs of our people. Furthermore, any overall ceiling must take into account the continuing inflation which grips our Nation and the uncertainty of the economy that is causing such great concern. It is unfortunate, but under the present circumstances it is extremely difficult to predict with any such accuracy the spending requirements or income of the Government for even a year is advance.

Instead of establishing an artificial, arbitrary ceiling on Government spending, Congress and the President should be working together to determine the needs of the Nation—domestic needs as well as other needs. We should be cooperating to secure methods of providing the revenue to meet these requirements.

In our Committee on Public Works, we are deeply involved in the development of programs to meet critical domestic problems in transportation, air and water pollution, solid waste disposal, flood control and water resources, and worthwhile public works construction.

I am aware that there are other national priorities and goals into which we must fit our programs. But this must be a cooperative effort within the Congress and between the Congress and the administration. It will not be achieved by an arbitrary and artificial spending ceiling.

This does not mean that Government spending cannot be kept within reasonable bounds. A different approach must be taken, however. Congress has a re-

sponsibility to examine each program and each spending proposal carefully to determine if it is justifiable on the basis of national priority and available resources.

The resources of this Nation are great. With them we can provide a better life for all citizens and a stronger economy with which to sustain that life. Our resources, however, are not limitless. They must, therefore, be treated with care and allocated where they will provide the most benefits. We cannot do this by proposing an unrealistic overall limitation in Government spending.

Mr. LONG. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Louisiana is recognized for 1 minute.

Mr. LONG. Mr. President, the Senator from West Virginia is slightly in error on one point, which makes even stronger the reasons why the Senate should vote against the amendment. The amendment provides that even though Congress on this particular item said that the President must and shall spend the money, it says he shall not do it anyway.

Mr. RANOLPH. That is correct.

Mr. LONG. And even if we thought enough of cancer research, as is the case because my mother died of cancer last month, I think even though we say that the President can do something about it, nevertheless, he shall not.

Mr. RANDOLPH. Or pollution control.

Mr. PASTORE. Or impacted areas.

Mr. LONG. Or impacted areas.

Mr. BAKER. Mr. President, I express my understanding for and appreciation of the reasons the distinguished Senator from Delaware offered the amendment. I also express my intention to vote against it because it is fraught with unintended and unexpected consequences. One particular interest to me is due not only to the situation limiting expenditures in appropriation bills but also the effect of imposing new taxation on many of the citizens of Tennessee. I refer specifically to the power revenues of the Tennessee Valley Authority. I queried the Senator from Delaware as to whether the revenues collected from the TVA customers for the sale of electricity would be limited as to the expenditure, and his answer was that it would be, under the amendment. It is one thing to limit expenditures of revenues collected by taxation and a different thing to limit expenditures of revenues collected by the sale of electricity to Tennesseans. If the pending amendment is adopted—I hope it will not be—I have an amendment which will seek to remedy that situation.

Mr. WILLIAMS of Delaware. Mr. President, the bill does not confer upon the President any authority establishing priorities unless—and I emphasize the word "unless"—Congress fails to discharge its own responsibility. Every appropriation bill except the education bill is yet to be enacted. We in Congress can establish priorities. Of course if Congress wants to increase every one of the appropriation bills so that they cannot possibly be carried out within the ceiling then that would automatically delegate to the President our responsibility, but Congress can, if it has the guts, cut appropriations here and in every appropriation bill ahead of us.

Mr. HANSEN. Mr. President, we have heard much in recent years about inflation. We are aware of proposals to increase social security benefits in order to reflect the rising cost of living. It has been noted earlier in the Chamber that the interest on the national debt is approaching the amount of something like $20 billion and will, indeed, be at that figure within a year's time.

I am unaware of any significant effort on the part of any Member of this body, aside from the distinguished Senator from Delaware (Mr. WILLIAMS) and our recent colleague from the State of Florida, to bring about a meaningful manner in which we can curtail expenditures, or see that the revenue take and the amount of Federal funds made available to meet the costs can be somewhat in balance.

My question is: Is there any way that the distinguished chairman, for whom I have the highest regard, can suggest a means that would be more equitable than that suggested by the Senator from Delaware?

Mr. LONG. Mr. President, there are two ways we could meet this problem. I would suggest one would be by paring down the appropriations. Second, after we have all the appropriation bills passed, if some Senator wants to move to rescind some of the appropriations, he can do that. We have done it on other occasions.

In addition to these ways of dealing with the problem, I personally would like to see someone breathe some life back into the Committee on Nonessential Government Expenditures.

Mr. HANSEN. I thank the distinguished Senator.

The PRESIDING OFFICER (Mr. BURDICK). All time on the amendment has now expired.

The question is on agreeing to the amendment of the Senator from Delaware (Mr. WILLIAMS).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine, (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

On this vote, the Senator from South Carolina (Mr. THURMOND) is paired with the Senator from Texas (Mr. TOWER). If present and voting, the Senator from South Carolina would vote "yea" and the Senator from Texas would vote "nay."

The result was announced—yeas 25, nays 59, as follows:

[No. 188 Leg.]

YEAS—25

Allen	Griffin	Packwood
Allott	Gurney	Proxmire
Bellmon	Hansen	Saxbe
Boggs	Hartke	Smith, Maine
Byrd, Va.	Hatfield	Smith, Ill.
Cotton	Hruska	Talmadge
Curtis	Jordan, N.C.	Williams, Del.
Dominick	Miller	
Ervin	Murphy	

NAYS—59

Aiken	Goodell	Metcalf
Anderson	Gore	Mondale
Baker	Gravel	Montoya
Bayh	Harris	Moss
Bennett	Hart	Pastore
Bible	Holland	Pell
Brooke	Hollings	Percy
Burdick	Hughes	Prouty
Byrd, W. Va.	Inouye	Randolph
Case	Jackson	Ribicoff
Church	Javits	Schweiker
Cook	Jordan, Idaho	Scott
Cooper	Long	Sparkman
Cranston	Magnuson	Spong
Dole	Mansfield	Stevens
Eagleton	Mathias	Symington
Eastland	McClellan	Williams, N.J.
Ellender	McGee	Yarborough
Fannin	McGovern	Young, N. Dak.
Fong	McIntyre	

NOT VOTING—16

Cannon	Mundt	Thurmond
Dodd	Muskie	Tower
Fulbright	Nelson	Tydings
Goldwater	Pearson	Young, Ohio
Kennedy	Russell	
McCarthy	Stennis	

So the amendment of Mr. WILLIAMS of Delaware was rejected.

The PRESIDING OFFICER. The bill is open to further amendment. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 17802) was ordered to a third reading and was read the third time.

Mr. PASTORE. Mr. President, the yeas and nays.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

The Senator from Delaware has 5 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I had promised to yield to the Senator from Colorado.

Mr. DOMINICK. Mr. President, I would like to have only 2 minutes.

Mr. MANSFIELD. Mr. President, how goes the time?

The PRESIDING OFFICER. No one has responded. Anyone can have the time that is available. The Senator from Louisiana (Mr. LONG) has 5 minutes remaining and the Senator from Delaware (Mr. WILLIAMS) has 5 minutes remaining.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Colorado.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Colorado is recognized for 2 minutes.

Mr. DOMINICK. Mr. President, I probably will not use the 2 minutes. I have been a Member of the House and the Senate for 10 years. Every single year I have been here we have what has been called the limit. As we reach the finish line, the debt ceiling is extended. It is like the 100-yard race, but we have a movable finish line.

There is no point in putting on a debt limit if we raise the debt limit every time we come up to it.

We go on and on and on with this charade of trying to tell the American people that we have some kind of hold on what expenditures Congress will make of their tax money. But every year we come right up to the button and we raise the limit.

After all, we do not have to worry about it.

All I can say is that this kind of charade is practicing a deceit on the American public. As far as I am concerned, if we continue with it, we ought to eliminate the debt ceiling and say that Congress can do whatever it wants with the money. That is what it does anyway.

I am thoroughly opposed to it.

Mr. WILLIAMS of Delaware. Mr. President, I yield the remainder of my time to the distinguished Senator from Virginia.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from Virginia is recognized.

Mr. BYRD of Virginia. Mr. President, I favor the debt ceiling; I feel that it serves a useful purpose. It should be a tight ceiling.

I feel that an $18 billion increase in the debt ceiling is not justified. I would be willing to vote for a lesser increase, but not for a $18 billion increase. I do not feel that it is justified.

I shall vote against the bill.

The PRESIDING OFFICER (Mr. BURDICK). Who yields time?

Mr. LONG. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER (Mr. BURDICK). The Senator from California is recognized for 2 minutes.

Mr. CRANSTON. Mr. President, I would like to respond briefly to the remarks of the Senator from Colorado. I agree that this is a charade.

I think that we should understand why this is imposed upon us and why every year we are asked to raise the debt limit by President Nixon, who, despite his desire to handle our Government in a businesslike way, nevertheless comes to us and asks for an increase, and why we, who would like to handle the affairs of Government in a businesslike manner, are compelled to go along despite our desires to do otherwise.

The cause is war. The first cause and the immediate cause is the Vietnam war. In the past 5 years, the debt has gone up and increased an average of $10 billion a year.

For 20 years before the Vietnam war began to escalate in 1965, it went up an average of $5 billion a year. The Vietnam war is the cause of the necessity of lifting this debt ceiling now. The arms race is the cause of having to do it everlastingly, almost ever since World War II.

If anyone questions the effect of war upon our economy and the inflation, I suggest he look at the May issue of Fortune magazine, page 154, where there is a chart showing inflation in our country since our country was begun. It zooms in the War of 1812 and then goes down; it zooms with the Civil War; it skyrockets with World War II and the Korean war.

There are those who attribute the massive budget and the towering deficits to aid to veterans, aid to farmers, health programs and housing programs. But all of us know that when you look at the budget you find over 70 cents of every tax dollar goes to pay for the cost of wars, past, present, future, and potential wars, and the debt on those wars and reconstruction. We are faced with a hopeless situation tonight because we have to vote for the bill. Let us find a way to end the war and the arms race.

Mr. LONG. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. LONG. Mr. President, we who serve on the Committee on Finance do handle certain programs with respect to which special taxes are provided. For instance, we handle the social security program, the unemployment insurance program, and the highway trust fund. We handle certain other matters—such as veterans' benefits and welfare—with regard to which we must both raise the money and authorize the expenditure.

In those self-financed programs like social security we have provided more revenue than it takes to pay the benefits. But the Committee on Finance does not have the responsibility of appropriations. We have the responsibility to recommend taxes to Congress to pay for things that Congress thinks necessary. The fact we have that responsibility is one reason members of that committee are reluctant to vote for higher appropriations. But when tax revenues are not enough to pay our bills, we have an option available to us to borrow money. If we borrow money someone has to authorize an increase in the debt ceiling. That is what is proposed here today. The Senator from Colorado is correct that Congress can do whatever it wants.

Our national debt was 120 percent of our gross national product at the end of World War II and today it is about 40 percent of our gross national product. In that respect, in relative terms we are about three times as well off debtwise as we were at the end of the war. It is not a minus.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Iowa.

Mr. MILLER. Mr. President, I know the Senator from California was sincere in what he had to say but I am sorry he made the argument he did. It is a specious argument and I think everyone here knows it.

The reason we have the problem is because we do not match with tax revenue the outgo we have been voting. The classic proof is what happened last December on the Tax Reform Act of 1969. I do not know how the Senator from California voted on that measure, but Senators know how they voted.

I feel that is why we are in trouble with the debt ceiling, at least in the amount we are troubled about it tonight. It goes up, make no mistake about it, because we, a majority of this body, refuse to see that we have enough revenue to match outgo.

I suggest to my friend from California that his argument is specious, although I know it is well meant.

Mr. WILLIAMS of Delaware. Mr. President, I yield 2 minutes to the Senator from Nebraska.

Mr. CURTIS. Mr. President, in further reply to the Senator from California, through the years 1961 to 1965 military expenditures increased $2.5 billion; domestic civilian spending increased $18 billion. From 1965 through 1970 military expenditures, including Vietnam, increased $30 billion; and domestic civilian benefit programs increased $50 billion.

Mr. CHURCH. Mr. President, in recent years I have voted against measures to lift the debt ceiling as a symbolic protest against the squandor of our monetary resources in a senseless war in Southeast Asia. Consistent with that practice, I shall cast my vote against this bill on final passage.

SEVERAL SENATORS. Vote! Vote!

The PRESIDING OFFICER. Does the Senator from Louisiana yield back the remainder of his time?

Mr. LONG of Louisiana. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The bill having been read a third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Mississippi (Mr. EASTLAND), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Maine (Mr. MUSKIE), the Senator from Wisconsin (Mr. NELSON), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), the Senator from Maryland (Mr. TYDINGS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Arizona (Mr. GOLDWATER), the Senator from Kansas (Mr. PEARSON), the Senator from South Carolina (Mr. THURMOND), and the Senator from Texas (Mr. TOWER), are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

If present and voting, the Senator from

South Carolina (Mr. THURMOND) would vote "nay."

On this vote, the Senator from Texas (Mr. TOWER) is paired with the Senator from Arizona (Mr. GOLDWATER). If present and voting, the Senator from Texas would vote "yea" and the Senator from Arizona would vote "nay."

The result was announced—yeas 64, nays 19, as follows:

[No. 189 Leg.]

YEAS—64

Aiken	Gurney	Murphy
Allott	Hansen	Packwood
Anderson	Harris	Pastore
Baker	Hart	Pell
Bayh	Hruska	Percy
Bennett	Hughes	Prouty
Bible	Inouye	Randolph
Boggs	Jackson	Ribicoff
Brooke	Javits	Saxbe
Burdick	Jordan, Idaho	Schweiker
Byrd, W. Va.	Long	Scott
Case	Magnuson	Smith, Maine
Cooper	Mathias	Smith, Ill.
Cranston	McClellan	Sparkman
Curtis	McGee	Spong
Dole	McGovern	Stevens
Eagleton	McIntyre	Symington
Fong	Metcalf	Williams, N.J.
Goodell	Miller	Yarborough
Gore	Mondale	Young, N. Dak.
Gravel	Montoya	
Griffin	Moss	

NAYS—19

Allen	Ellender	Jordan, N.C.
Bellmon	Ervin	Mansfield
Byrd, Va.	Fannin	Proxmire
Church	Hartke	Talmadge
Cook	Hatfield	Williams, Del.
Cotton	Holland	
Dominick	Hollings	

NOT VOTING—17

Cannon	McCarthy	Stennis
Dodd	Mundt	Thurmond
Eastland	Muskie	Tower
Fulbright	Nelson	Tydings
Goldwater	Pearson	Young, Ohio
Kennedy	Russell	

So the bill (S. 17802) was passed.

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

Mr. BYRD of West Virginia. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, it is quite late and I will detain the Senate only long enough to extend to the chairman of the Finance Committee, the distinguished Senator from Louisiana (Mr. LONG), the gratitude of this entire body. He handled the debt limit extension with the greatest skill and ability. Once again he has established his most effective legislative capacities.

In the consideration of this matter, I would like to thank as well the distinguished senior Senator from Delaware (Mr. WILLIAMS). His splendid cooperation, as always, was indispensable to the efficient and expeditious consideration of this measure.

May I just say that I appreciate very much the cooperation of all Members for their indulgence. The advancement of the program has benefited immeasurably as a result.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following additional routine business was transacted:

BILLS INTRODUCED

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

By Mr. GORE:

S. 4035. A bill to amend the Employment Act of 1946 to establish a program to guarantee employment to all individuals who are able, willing, and seeking to work; to the Committee on Banking and Currency.

By Mr. MONDALE:

S. 4036. A bill for the relief of G. Reno Cammardo; to the Committee on the Judiciary.

CRIME PREVENTION AND LAW ENFORCEMENT ACT OF 1970

Mr. HART. Mr. President, 2 days ago, I introduced a bill, S. 4021, entitled the "Crime Prevention and Law Enforcement Act of 1970," designed to expand greatly Federal aid to local crime fighting efforts. I urged that this bill be enacted along with other important proposed legislation which I am cosponsoring and which will add needed tools in the effort to control crime.

In light of the interest which several colleagues have expressed in the bill, S. 4021, I ask unanimous consent to have it printed in the RECORD.

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

S. 4021

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 "Crime Prevention and Law Enforcement Act of 1970".

TITLE I—AMENDMENTS TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

PLANNING GRANTS

SEC. 101. (a) The third sentence of section 203(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows: "The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law-enforcement agencies, units of general local government, and public agencies maintaining programs to reduce and control crime."

(b) Section 204 of such Act is amended by inserting "section 206 or" immediately preceding section 305 and by inserting after the word "including" the following: "the establishment and operation of Criminal Justice Coordinating Councils pursuant to section 303 (13)".

(c)(1) Section 205 of such Act is amended by striking out "Funds" in the first sentence of such section and inserting in lieu thereof "not more than 70 per centum of the funds".

(2) Section 205 of such Act is further amended by adding at the end thereof the following new sentence: "At least 30 percentum of the funds appropriated under this part shall be allocated by the Administration among the units of general local government pursuant to Section 206(a)".

(d) Part B of title I of such Act is amended by adding at the end thereof the following new section:

"SEC. 206. (a) From funds allocated pursuant to the last sentence of section 205 of this Act the Administration shall make grants for planning to any unit of general local government eligible to receive assistance under section 306(b) of this Act. Federal funds granted under this section may be used for the establishment and operation of the Office of Criminal Justice as required by section 303(13) and for such other planning and coordinating purposes as may be approved by the Administration.

USES OF LAW ENFORCEMENT GRANTS

SEC. 102. (a) Section 301(b)(1) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end in lieu thereof the following new sentence: "In high crime areas, emphasis shall be given to improved techniques for building and area surveillance, expanded police patrol and improved police response time, emergency crime reporting facilities available to the public, and improved lighting."

(b) Section 301(b)(2) of such Act is amended to read as follows:

"(2) The recruiting, training and expansion of law enforcement, correctional and court administrative personnel, and whenever appropriate to carry out programs designed to upgrade personnel requirements, supplementing the compensation of such personnel.

(c) Section 301(b)(4) of such Act is amended to read as follows:

"(4) Renting, leasing, and constructing buildings or other physical facilities which would fulfill or implement the purpose of this part, including local correctional facilities, centers for the treatment of narcotic addicts, and temporary courtroom facilities in areas of high crime incidence."

(d) Section 301(b) of such Act is amended by adding at the end thereof the following new paragraphs:

"(8) The development and operation of community based delinquency prevention and correctional programs, emphasizing halfway houses and other community based rehabilitation centers for initial pre-conviction or post-conviction referral of offenders; expanded probationary programs, including paraprofessional and volunteer participation; and community service centers for the guidance and supervision of potential youthful offenders.

"(9) The establishment, expansion and improvement of drug law enforcement programs, emphasizing control of illegal drug traffic.

"(10) The establishment of an Office of Criminal Justice for any unit of general local government within the State to assure improved coordination of all law enforcement activities, such as those of the police, the criminal courts, and the correctional system."

FEDERAL SHARE

SEC. 103. Section 301 (c) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(c) The amount of any Federal grant made under this part shall not exceed 90 per centum of the program or project specified in the application for such grant: *Provided,* That no part of any grant for the purpose of construction of buildings or other physical facilities shall be used for land acquisition.

REMOVAL OF COMPENSATION LIMITATION

SEC. 104. Section 301 (d) of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

HIGH CRIME AREAS

SEC. 105. Section 303 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after the first sentence thereof the following new sentence: "No State plan shall be approved unless the Administration finds that the plan provides for the allocation of an adequate share of assistance to deal with law enforcement problems in areas of high crime incidence."

ADDITIONAL STATE PLAN REQUIREMENT

SEC. 106. Section 303 of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by (1) striking out the word "and" at the end of paragraph 11 thereof, (2) striking out the period at the end

of paragraph 12 of such section and inserting in lieu thereof a semi-colon and the word "and", and (3) inserting after paragraph 12 thereof the following new paragraph:

"(13) provide that units of general local government receiving funds under this part establish an Office of Criminal Justice or other appropriate office to be responsible for developing and coordinating concerted efforts among police, prosecution, courts and correctional agencies and other relevant law enforcement agencies."

ALLOCATION UPON FAILURE OF STATE PLAN APPROVAL

SEC. 107. Section 305 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 305. Where a State has failed to have a comprehensive State plan approved under this title within the period specified by the Administration for such purpose, the funds allocated for such State under section 306(a) of this title shall be available for reallocation by the Administration under section 306(b)."

ALLOCATION

SEC. 108. Section 306 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 306. (a) Forty per centum of the funds appropriated to make grants under this part for any fiscal year shall be allocated by the Administration among the States according to their respective populations to the State planning agencies of such States.

"(b) The remaining 60 per centum of funds available for grants under this part, plus such additional amounts as may be made available by virtue of the application of the provisions of section 509 to the grant to any State, shall be used as the Administration may determine for grants for the purposes of this title to State agencies, units of general local government, public and private agencies, or combinations of the foregoing, according to such criteria and on such terms and conditions as the Administration shall prescribe consistent with the provisions of this title. At least 75 per centum of the funds allocated under this subsection, at the discretion of the Administration, shall be granted to:

"(1) cities having a population of 200,000 or more

"(2) cities having a population of 75,000 or more but less than 200,000 and which the Administration determines have disproportionately high per capita incidence of crime;

"(3) the largest city in a state if that city does not qualify under clauses (1) or (2) of this subsection; and

"(4) any country, or equivalent unit of general local government, having major prosecution and criminal court responsibilities for a city eligible under this subsection, provided the grant is for the purpose of fulfilling such responsibilities.

"(c) If the Administration determines that the applicant for a grant under this section is unable to provide sufficient funds for its contribution to the cost of a program or project, as required by Section 301 (c), the Administration may waive that requirement and grant funds up to 100 per centum of that project or program, except that no part of any grant for the construction of buildings or other physical facilities shall be used for land acquisition.

RESEARCH TRAINING AND GRANTS AND REGIONAL CENTERS

SEC. 109. Section 406 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended

(1) by striking out in the first sentence of subsection (b) "in areas directly related to law enforcement or preparing for employment in law enforcement" and inserting in lieu thereof "in areas related to law enforcement or suitable for persons employed in law enforcement";

(2) by striking out "tuition and fees" in the first sentence of subsection (c) and inserting in lieu thereof "tuition, books, and fees"; and

(3) by inserting at the end thereof the following new subsections:

"(d) Full-time teachers or persons preparing for careers as full-time teachers of courses related to law enforcement or suitable for persons employed in law enforcement, in institutions of higher education which are eligible to receive funds under this section, shall be eligible to receive assistance under subsections (b) and (c) of this section pursuant to regulations established by the Administration.

"(e) The Administration is authorized to make grants to or enter into contracts with institutions of higher education, or combinations of such institutions, to assist them in planning, developing, strengthening, improving, or carrying out programs or projects for the development or demonstration of improved methods of law enforcement education, including—

"(1) planning for the development or expansion of undergraduate or graduate programs in law enforcement;

"(2) education and training of faculty members;

"(3) strengthening the law enforcement aspects of courses leading to an undergraduate, graduate, or professional degree; and

"(4) research into, and development of, methods of educating students or faculty, including the preparation of teaching materials and the planning of curriculums. The amount of a grant or contract may be up to 75 per centum of the total cost of programs and projects for which a grant or contract is made."

(b) Part D is further amended by inserting after section 406 the following new section:

"SEC. 407. The Administration is authorized to develop and support regional and national training programs, workshops, and seminars to instruct State and local law enforcement personnel in improved methods of crime prevention and reduction and of enforcement of the criminal law. Such training activities shall be designed to supplement and improve, rather than supplant, the training activities of the State and units of general local government, and shall not duplicate the activities of the Federal Bureau of Investigation under section 404 of this title.

"SEC. 408. In order to promote comprehensive regional centers of training, research and education in law enforcement and criminal justice, programs for improved law enforcement education under section 406 and training programs under section 407 shall be established or operated, wherever feasible and appropriate to contribute to carrying out the purposes of this part, at existing academic centers of police science and law enforcement."

GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

SEC. 110. (a) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after part D the following new part:

PART E—GRANTS FOR CORRECTIONAL INSTITUTIONS AND FACILITIES

"SEC. 451. It is the purpose of this part to encourage States and units of general local government to develop and implement programs and projects for the construction, acquisition, and renovation of correctional institutions and facilities, and for the improvement of correctional programs and practices and personnel.

"SEC. 452. A State desiring to receive a grant under this part for any fiscal year shall, consistent with the basic criteria which the Administration establishes under section 454 of this title, incorporate its application for such grant in the comprehensive State plan submitted to the Administration for that fiscal year in accordance with section 302 of this title.

"SEC. 453. The Administration is authorized to make a grant under this part to a State planning agency if the application incorporated in the comprehensive State plan

"(1) sets forth a comprehensive statewide program for the construction, acquisition, or renovation of correctional institutions and facilities in the State and the improvement of correctional programs and practices throughout the State;

"(2) provides satisfactory assurances that the control of the funds and title to property derived therefrom shall be in a public agency for the uses and purposes provided in this part and that a public agency will administer those funds and that property;

"(3) provides satisfactory assurances that the availability of funds under this part shall not reduce the amount of funds under part C of this title which a State would, in the absence of funds under this part, allocate for purposes of this part;

"(4) provides for advanced techniques in the design of institutions and facilities;

"(5) provides satisfactory emphasis on the development and operation of community-based correctional facilities and programs, including diagnostic services, halfway houses, probation and other supervisory release programs for pre-adjudication and post-adjudication referral of delinquents, youthful offenders and first offenders, and community-oriented programs for the supervision of parolees;

"(6) provides, where feasible and desirable, for the sharing of correctional institutions and facilities on a regional basis;

"(7) provides satisfactory assurances that the personnel standards and programs of the institutions and facilities will reflect advanced practices;

"(8) provides satisfactory assurances that the State is engaging in projects and programs to improve the recruiting, organization, training, and education of personnel employed in correctional activities, including those of probation, parole, and rehabilitation; and

"(9) complies with the same requirements established for comprehensive State plans under paragraphs (1), (3), (4), (5), (7), (8), (9), (10), (11), and (12) of section 303 of this title.

"SEC. 454. The Administration shall, after consultation with the Federal Bureau of Prisons, by regulation prescribe basic criteria for applicants and grantees under this part.

"SEC. 455. (a) The funds appropriated each fiscal year to make grants under this part shall be allocated by the Administration as follows:

"(1) 50 per centum of the funds shall be available for grants to State planning agencies.

"(2) The remaining 50 per centum of the funds may be made available, as the Administration may determine, to State planning agencies, units of general local government, or combinations of such units, according to the criteria and on the terms and conditions the Administration determines consistent with this part. Any grant made from funds available under this part may be up to 75 per centum of the cost of the program or project for which such grant is made. No funds awarded under this part may be used for land acquisition.

"(b) If the Administration determines, on the basis of information available to it during any fiscal year, that a portion of the funds granted to an applicant for that fiscal year will not be required by the applicant or will become available by virtue of the application of the provisions of section 509

of this title, that portion shall be available for reallocations under paragraph (2) of subsection (a) of this section."

(b) Section 601 of such Act is amended by inserting at the end thereof the following new subsection:

"(1) The term 'correctional institution or facility' means any place for the confinement or rehabilitation of juvenile offenders or individuals charged with or convicted of criminal offenses."

(c) Part E and part F of title I of such Act are redesignated as part F and part G, respectively.

ADMINISTRATIVE PROVISIONS

SEC. 111. (a) Section 515 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new sentence: "Funds appropriated for the purpose of this section may be expended by a grant or contract as the Administration may determine to be appropriate."

(b) Section 516 (a) of such Act is amended by striking out the period and inserting in lieu thereof the following: ", and may be used to pay the transportation and subsistence expenses of persons attending conferences or other assemblages notwithstanding the provisions of the Joint Resolution entitled 'Joint Resolution to prohibit expenditure of any moneys for housing, feeding, or transporting conventions or meetings', approved February 2, 1935 (31 U.S.C. 551)."

(c) Section 517 of such Act is amended to read as follows:

"SEC. 517. (a) The Administration may procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code.

"(b) The Administration is authorized to appoint, without regard to the provisions of title 5, United States Code, relating to appointment in the competitive service, such technical or other advisory committees as it deems necessary to advise the Administration with respect to the administration of this title. Members of such committees not otherwise in the employ of the United States, while engaged in advising the Administration or attending meetings of the committees, shall be compensated at rates to be fixed by the Administration but not to exceed the daily equivalent of the rate authorized for GS–18 by section 5332 of such title 5 and while away from home or regular place of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of such title 5 for persons in the Government service employed intermittently."

"(c) Section 519 of such Act is amended by striking out: "On or before August 31, 1968, and each year thereafter" and inserting in lieu thereof the following: "On or before December 31 of each year".

"(d) Section 520 of such Act is amended by adding at the end thereof the following new paragraph:

"There is authorized to be appropriated $1,000,000,000 for the fiscal year ending June 30, 1971, $1,500,000,000 for the fiscal year ending June 30, 1972, $2,000,000,000 for the fiscal year ending June 30, 1973, $2,500,000,000 for the fiscal year ending June 30, 1974, and thereafter such sums as may be necessary to carry out the provisions of this Act." Funds appropriated for any fiscal year may remain available for obligation until expended. Not less than 25 per centum of the amounts appropriated shall be devoted to the purposes of corrections, including probation and parole.

TITLE II—AMENDMENTS TO STRENGTHEN DRUG ABUSE AND PREVENTION PROGRAMS

INCREASED AUTHORIZATIONS

SEC. 201. Section 1004 of the Federal Drug Abuse and Drug Dependence Prevention, Treatment, and Rehabilitation Act of 1970 is amended to read as follows:

"SEC. 1004. There are hereby authorized to be appropriated to carry out the provisions of this Act $150,000,000 for the fiscal year ending June 30, 1971; $200,000,000 for the fiscal year ending June 3, 1972; and $250,000,000 for the fiscal year ending June 3, 1973; and for succeeding fiscal years such sums as may be necessary to carry out the provisions of this Act. Any appropriated funds will remain available until expended. Not less than 75 per centum of the sums appropriated for each fiscal year, pursuant to this section, shall be available only for the purposes of title VII of this Act.

ADDITIONAL COSPONSORS OF BILLS

S. 3723

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that, at the next printing, the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of S. 3723, to provide for orderly trade in textile articles and articles of leather footwear, and for other purposes.

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

S. 3976

Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. CANNON), the Senator from Kentucky (Mr. COOK), the Senator from Nebraska (Mr. CURTIS), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from Oklahoma (Mr. HARRIS), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Utah (Mr. MOSS), the Senator from South Dakota (Mr. MUNDT), the Senator from Kansas (Mr. PEARSON), the Senator from West Virginia (Mr. RANDOLPH), the Senator from Ohio (Mr. SAXBE), the Senator from South Carolina (Mr. THURMOND), the Senator from Ohio (Mr. YOUNG), and the Senator from Wisconsin (Mr. PROXMIRE) be added as cosponsors of S. 3976, to make it unlawful to interfere in any way with any person's exercise of his constitutional rights of religion, speech, press, assembly, or petition, and to make available injunctive and other relief in Federal district courts in the event of such unlawful interference.

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

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 210

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON) and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of Senate Joint Resolution 210, to provide a 1-year moratorium on the termination of modification of designations of areas as redevelopment areas for the purposes of the Public Works and Economic Development Act of 1965.

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

PRINTING OF REPORT ON STEELE BAYOU, YAZOO RIVER (LOWER TRIBUTARIES), MISSISSIPPI

Mr. RANDOLPH. Mr. President, I present a letter from the Secretary of the Army, transmitting a favorable report dated May 11, 1970, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on Steele Bayou, Yazoo River—lower tributaries—Mississippi, in partial response to a resolution of the Committee on Public Works, U.S. Senate. I ask unanimous consent that the report be printed as a Senate document with illustrations, and referred to the Committee on Public Works.

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

THE POSTAL REORGANIZATION ACT—AMENDMENTS

AMENDMENT NO. 748

Mr. YARBOROUGH. Mr. President, I submit an amendment intended to be proposed by me to the committee amendment to S. 3842, my amendment being in the nature of a substitute for the postal reorganization bill.

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

Mr. YARBOROUGH. The amendment I offer is designed to accomplish two objectives: First, to give our postal workers under the postal field service schedule and the rural carrier schedule an immediate 8-percent pay increase; and second, finance this pay increase by a 1-cent increase in first class and air mail rates with a proportionate increase generally of 16⅔ percent in second and third class rates.

Mr. President, we will soon have before us a bill which is described as a so-called postal reform measure. However, the sad truth is that this bill is a hastily prepared and ill-advised measure which dismantles one of our oldest public service institutions in the United States, the U.S. Post Office, at the expense of the great majority of the American people.

This bill has not been given the consideration that a measure of its sweeping proportion should obtain. Very few members of the public are aware that if this bill is passed, control of the Post Office will be turned over to a handful of men who are responsible only to themselves and not to Congress or the American people as a whole or to the President. Before enacting such a drastic measure, I feel that it is imperative that postal reorganization and reform be considered as a separate measure and not attached to a pay increase for postal workers.

Probably the most neglected group of American workers are the postal employees. These men and women have performed their jobs quietly and efficiently for many years at a pay rate that

is far below that paid to other Government employees and workers in private industry. By attaching the postal reorganization plan as a condition precedent to raising these workers' wages, the administration is taking advantage of the just demands of postal workers, in order to force its Postal Corporation on the American people. If we in Congress are to meet our responsibilities to the American public and to the postal workers of America, we cannot allow a bill of this nature to be passed routinely, without full consideration of its contents, impact and meaning for the future.

The amendment I introduce today goes to the heart of our most pressing problem in the Post Office—pay increases for postal workers. It would raise these workers' pay by 8 percent and when added to the previous raise it would constitute a total increase of 14 percent, thereby bringing postal employees' wages into parity with other Government workers. To finance this increase in wages, my bill calls for a 1-cent increase in first-class and airmail rates with a proportionate increase of 16⅔ percent for second- and third-class postal rates. Fourth-class postal rates would not be increased since they can be administratively adjusted by the Interstate Commerce Commission to bring them up to the same 16⅔ percent. These increases would produce more than enough revenue to finance these much needed pay increases for the postal workers. That is a total of 14 percent. This is fiscally responsible, and raises more money than the two increases put together for the postal employees.

Mr. President, we cannot allow the Post Office, which is the oldest of our public service institutions to become an instrument to make up budget deficiencies for the Government generally. I recognize that many of the procedures of the Post Office should be improved, having been on the Committee on Post Office and Civil Service since the first month I came to the Senate, in 1957, and having been a member of that committee longer than any other Member of this body. However, I believe such improvements should properly be made within the present framework of the Post Office Department.

Mr. President, this massive bill, in its present form, was submitted to the committee about 2 days before it was reported to the floor, and then we did not have copies. It was thrown together. One bill was offered as a substitute for the other bill.

Simply because the proponents of this bill call it a reform measure does not make it so. The use of the word "reform" to apply to the present reorganization bill brings to mind the statement by Humpty-Dumpty in Lewis Carroll's great classic "Through the Looking Glass":

> "When I use a word," Humpty-Dumpty said, "it means just what I choose it to mean—neither more nor less."

Reform suggests improving something. There is little evidence that this bill accomplishes this purpose. In its present form, the proposed bill represents a dismantling of the Post Office. Therefore, I urge the Senate to pass my amendment and raise the wages for postal employees, then also raise the rates to pay for that increase and make it fiscally responsible and then give careful consideration to internal improvements in the Post Office. Congress should not ram this bill through tonight, tomorrow, or the next day. This is a whole total change in Government, from a service concept to a profit concept. It would destroy the very purpose for which it was created. My amendment should be given careful consideration. I ask unanimous consent, Mr. President, that it be printed in the RECORD at this point.

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

The text of the amendment is as follows:

AMENDMENT No. 748

On page 137, beginning with line 1, strike out through line 7 on page 285 and insert in lieu thereof the following:

That this Act may be cited as the "Postal Employee Salary and Postal Revenue Act of 1970".

PAY INCREASE

SEC. 2. (a) The President shall increase the rates of compensation (as such rates were increased under the Federal Employees Salary Act of 1970) included in the Postal Field Service Schedule and the Rural Carrier Schedule contained in sections 3542(a) and 3543(a), respectively, of title 39, United States Code, by amounts equal to, as nearly as may be practicable and with regard to maintaining equal increments with any level of any such schedule, 8 percent of such rates.

(b) Rates of compensation of officers and employees paid under the schedules referred to in subsection (a) of this section shall be increased initially under conversion rules prescribed by the President or if the President so designates, by the Postmaster General.

(c) The increases made by the President under this section shall have the force and effect of law and shall be printed (1) in the Statutes at Large in the same volume as public laws, (2) the Federal Register, and (3) the Code of Federal Regulations.

(d) An increase in a rate of compensation which becomes effective under this section is not an equivalent increase in pay within the meaning of section 3552 of title 39, United States Code.

(e) Nothing in this section shall impair any authority pursuant to which rates of compensation may be fixed by administrative action.

(f) The rate of compensation of an officer or employee which is increased under this section shall be increased as of the first day of the first pay period for that officer or employee which commences on or after the date of enactment of this Act.

POSTAL RATE INCREASE

SEC. 3. (a) Section 4253 of title 39, United States Code, is amended—

(1) by striking out "6" in subsection (a) and inserting in lieu thereof "7"; and

(2) by striking out "5" in subsection (c) and (d) and inserting in lieu thereof "6".

(b) Section 4303 of such title is amended—

(1) by striking out "10" in subsection (a) and inserting in lieu thereof "11";

(2) by striking out "8" in subsection (b) and inserting in lieu thereof "9"; and

(3) by striking out subsection (d)(1) and inserting in lieu thereof the following:

"(d)(1) The rates of postage on air parcel post are based on the eight zones described in section 4553, or prescribed pursuant to section 4558, of this title in accordance with the following tables:

	"Zones					
	Locals 1, 2, and 3	4	5	6	7	8
Not over 1 lb	$0.93	$0.93	$0.93	$0.93	$0.93	$0.93
Over 1 lb. but not over 1½ lbs	1.14	1.19	1.25	1.33	1.38	1.45
Over 1½ lbs. but not over 2 lbs	1.35	1.44	1.56	1.72	1.81	1.96
Over 2 lbs. but not over 2½ lbs	1.63	1.73	1.89	2.09	2.23	2.43
Over 2½ lbs. but not over 3 lbs	1.91	2.02	2.22	2.46	2.65	2.89
Over 3 lbs. but not over 3½ lbs	2.19	2.31	2.54	2.84	3.07	3.36
Over 3½ lbs. but not over 4 lbs	2.47	2.60	2.87	3.21	3.49	3.83
Over 4 lbs. but not over 4½ lbs	2.75	2.89	3.20	3.58	3.91	4.29
Over 4½ lbs. but not over 5 lbs	3.03	3.19	3.52	3.96	4.33	4.76

For each pound or fraction of a pound in excess of five pounds in weight, the additional postage is as follows:

"Zones	Rate
Local and zones 1, 2, and 3	$0.54
Zone 4	.58
Zone 5	.65
Zone 6	.75
Zone 7	.84
Zone 8	.93.".

(c) Section 4358 of such title is amended—

(1) by striking out subsection (a) and inserting in lieu thereof the following:

"(a) Except as provided in subsection (b), the rate of postage on publications admitted as second-class mail when addressed for delivery within the county in which they are published and entered is as follows:

"[In cents]	
Rate per pound	1.8
Minimum charge per piece	.2.";

(2) by striking out subsection (d)(1) and inserting in lieu thereof the following:

"(d)(1) Except as provided in paragraph (2), the rates of postage on publications mailed in accordance with section 4359(a) of this title, of qualified nonprofit organizations, are as follows:

"[In cents]

	"During calendar year 1970	"During calendar year 1971	"During calendar year 1972	"During calendar year 1973 and thereafter
Rate per pound:				
Advertising portion:				
Zones 1 and 2	4.0	4.7	5.3	5.95
Zone 3	4.7	5.6	6.5	7.35
Zone 4	6.1	7.5	8.8	10.15
Zone 5	7.5	9.3	11.1	12.95
Zone 6	8.05	10.0	12.0	14.0
Zone 7	8.05	10.0	12.0	14.0
Zone 8	8.05	10.0	12.0	14.0
Nonadvertising portion	2.45	2.45	2.45	2.45
Minimum charge per piece	.23	.23	.23	.23";

(3) by striking out "4.2" in subsection (f) and inserting in lieu thereof "4.9"; and

(4) by striking out of subsection (g) "is 0.6 cent per piece when mailed during the calendar year 1968, 0.7 cent per piece when mailed during the calendar year 1969, and 0.8 cent per piece when mailed thereafter" and inserting in lieu thereof "is 0.9 per piece".

(d) Section 4359(b) of such title is amended to read as follows:

"(b) Except as otherwise provided in this

section and section 4358 of this title, the rates of postage on publications mailed in accordance with subsection (a) are as follows:

"[In cents]

Rate per pound:	
Advertised portion:	
Zones 1 and 2	6.1
Zone 3	7.5
Zone 4	10.3
Zone 5	13.0
Zone 6	15.9
Zone 7	16.9
Zone 8	19.8
Nonadvertising portion	4.0
Minimum charge per piece	1.5.".

(e) Section 4362 of such title is amended by striking out "5" and inserting in lieu thereof "6".

(f) Section 4422 of such title is amended to read as follows:

"§ 4422. Rates of postage

"The rates of postage on controlled circulation publications found by the Postmaster General to meet the definition contained in section 4421 of this title when mailed in the manner prescribed by the Postmaster General are as follows:

"[In cents]

Rate per pound	17.5
Minimum charge per piece	4.4.".

(g) Section 4452(a) of such title is amended to read as follows:

"(a) Except as otherwise provided in this section, the postage rates of third-class mail are as follows:

"[In cents]

"Type of mailing	Rates	Unit
(1) Individual piece	7.0	1st 2 ounces or fraction thereof.
	2.0	Each additional ounce or fraction thereof.
(2) Bulk mailings under subsection (e) of this section of—		
(A) Books and catalogs of 24 pages or more, seeds, cuttings, bulbs, roots, scions, and plants.	19.0	Each pound or fraction thereof.
(B) Other matter	26.0	Do.
(C) Minimum charge of.	4.7	Per piece.

"In lieu of the minimum charge per piece specified in the foregoing table, a person who mails for himself, or on whose behalf there is a mailing, under subsection (e) of this section, shall pay a minimum charge per piece of 4.4 cents on the first 250,000 pieces mailed during a year. For such purpose, the number of pieces mailed during a year shall be the aggregate of the pieces mailed under item (2) (A), (B), and (C) of the above table".

(h) The amendments made by this section shall be effective on the first Sunday occurring on or after the thirtieth day after the date of enactment of this Act.

Amend the title so as to read: "A Bill to increase the pay of postal employees and to increase postal rates."

AMENDMENTS NOS. 749 AND 750

Mr. ERVIN submitted two amendments, intended to be proposed by him to the bill (S. 3842) to improve and modernize the postal service, to reorganize the Post Office Department, and for other purposes, which were ordered to lie on the table and to be printed.

AMENDMENTS NOS. 751, 752, AND 753

Mr. BELLMON submitted three amendments, intended to be proposed by him to the bill (S. 3842), supra, which were ordered to lie on the table and to be printed.

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 739

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of amendment No. 739, to S. 3842, to improve and modernize the postal service and to establish the U.S. Postal Service.

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

SOUTHEAST ASIA

Mr. FANNIN. Mr. President, I wish to associate myself with the recent remarks of the distinguished junior Senator from Texas (Mr. TOWER) and his able explanation of the presence of our Armed Forces in Southeast Asia and other areas of the world.

I recently received a letter from a war correspondent who served in Southeast Asia in 1968. He also gives an excellent summary of the meaning of that struggle.

Mr. President, I ask unanimous consent to have printed in the RECORD the letter of John Riddick, war correspondent for the Tucson Daily Citizen, and commend his observations to the Senate.

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

TUCSON, ARIZ., *June 4, 1970.*

Senator PAUL FANNIN,
U.S. Senate,
Washington, D.C.

DEAR SENATOR FANNIN: I enjoyed seeing you, however briefly, in Tucson the other day. As I told you then, I have been planning a letter to you which follows and which I believe to be timely.

I was a war correspondent in Southeast Asia for the Tucson Daily Citizen during almost the entire year of 1968. I think I had a more comprehensive view of the Indochinese situation than any other newsman, and perhaps any other American.

And it is out of that experience that I write to you, hoping to be of whatever service I can to these who today are leading the fight for American foreign policy.

I went to Southeast Asia seeking the meaning of that struggle. I looked at every side of it that I could think of. I fought to try to be aware of my biases so as to be as realistic an observer as possible.

And, Senator Fannin, after all the subleties and complexities are sifted, in my view it comes down to a struggle between democracy and totalitarianism, between freedom and the enslavement of man.

I believe that contrary to what many Americans, particularly American intellectuals are saying, it is one of the most idealistic wars of history. For it is fought for freedom.

The face of America in Asia is not imperialistic. It is what America has always stood for most to the people of the world—freedom.

And it is that failure to get this message over to the American people that is most disturbing to me.

The 40,000 young Americans have died for the same thing their fathers died for in the fight against Nazis—freedom.

Senator Fannin, it was my direct observation that the people of South Vietnam are trying to build a democracy. In view of that, the statement of many of your senatorial colleagues that we should summarily abandon them is to me dishonor in the highest.

I believe that President Nixon's plan has a chance of success. I have been on operations with South Vietnamese units that were good. I have known South Vietnamese political and economic leaders who were dedicated and resourceful.

The background for my comments is in part that of the President's most vigorous critics. I had a good deal of education including the completion of my credits for a doctorate at Columbia University.

For more than a dozen years I covered the complicated development of the Tucson valley—science, space, electronics, industry, mining, the military, agriculture.

And I went to Vietnam as a reporter concerned with interpreting the complicated things of our century for the public.

I arrived in Saigon before the Tet Offensive. For the next half year I roamed up and down the country sampling all sides of the war. More than any other reporter I know of, I went among the Vietnamese.

Then I went and looked at the problem from the perspective of the broader Indochinese peninsula in Thailand and Laos. Next I spent two months in Hong Kong "China Watching" and then I went back to Vietnam for a while.

The complexities of Vietnam are endless. Our failures in underestimating the difficulty of the problem are many. There was a great mistake by the Johnson administration to encourage belief in an early solution.

The Communist—the left totalitarians—have developed a formidable combination of terror and organization. We should have thrown more of our best minds into the struggle. We should have sent more specialists to Indochina for longer times.

Such a struggle as this does not yield to high explosives alone. We need more subtle thinking.

And yet after all of this, those who said the struggle was right and important were correct. There are a quarter of a billion people in Southeast Asia. Who knows the value even of what we have done to this point for a free Indonesia.

There is no way to exaggerate the failures of the Media in this struggle. For they have failed to project an image of REALITY into the mind of Americans. Instead, many newsmen have projected their own prejudices.

Even at that, I find it difficult to understand the failure of the Johnson and of the Nixon administrations to get over to more of the American people the ETHICAL rightness of our cause.

It is here that there has been such a massive failure with youth and such vulnerability before the intellectuals. And to me this is ironical in that here reality supports us most strongly. The face of totalitarianism, its oppression of people, its basic madness has not changed in Asia from its earlier European form though it is more clever and therefore more difficult.

I think President Nixon has made a mistake in not speaking more of freedom and of the fight for democracy.

I thought President Thieu made a good appearance on television the other night, presenting himself as I believe him to be, a man fighting for a young, clumsy, but emerging democracy.

The evidence is there. I wonder if the White House knows it.

I wrote to President Nixon last fall offering my services in whatever capacity he could use them—and got a form reply.

Those fighting in Washington have too little used the help that could come to them from those who have seen REALITY in the

raw situation itself, the details of Indochina.

I do want to say that I personally appreciate very greatly your fight today to stand by America's commitment to the people of Southeast Asia and to the broader struggle for freedom.

The deliberate deafness of American intellectuals to the voices of the totalitarians—saying so clearly and so explicitly their intention to conquer the world—is a strange example of self deception.

We all stand today at a focal point of history where we are required to decide.

History will see "Vietnam"—seen as a symbol as well as a particular event—was a truly decisive moment.

Those of us who are Americans also have a debt to our fellow citizens who have died in Vietnam.

Senator Fannin, I interviewed dozens of them—on the battlefield and in hospitals. I don't know if our army has deteriorated today. But in 1968, the young Americans—there was no generation gap—believed they were fighting for freedom.

I do too.

Yours sincerely,

JOHN RIDDICK.

ADJOURNMENT TO 9 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 9 o'clock tomorrow morning.

The motion was agreed to; and (at 11 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, June 30, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate, June 29, 1970:

OFFICE OF TELECOMMUNICATIONS POLICY

Clay T. Whitehead, of California, to be Director of the Office of Telecommunications Policy (New position.)

CONFIRMATIONS

Executive nominations confirmed by the Senate, June 29, 1970:

ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The nominations beginning Kenneth A. MacDonald, to be captain, and ending William T. Turnbull, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on June 22, 1970.

HOUSE OF REPRESENTATIVES—*Tuesday, June 30, 1970*

The House met at 12 o'clock noon.

Rabbi Norbert Weinberg, Congregation Adas Israel, Fall River, Mass., offered the following prayer:

Let us pray.

Our God and God of our fathers, as the Members of Congress gather on this day for their deliberations, we extend the fervent prayer that their voices and actions will echo the great and historic traditions to which these Halls have been witness and which have made this land a symbol for all the free people of the world.

May their discussions and labor be inspired by the light of Your wisdom and love, causing them to deal wisely and successfully with the many and complex problems and challenges with which they are faced.

May they thus demonstrate to our younger citizens the blessings inherent in our hallowed American way of life, with the United States as a beacon of light and hope to the "huddled masses of the tired and the poor who yearn to breathe free."

May the words of the ancient prophet come to pass in our own day:

And he shall turn the hearts of the fathers to the children, and the hearts of the children to their fathers.—Malachi 3:24.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2047. An act for the relief of Roseanne Jones;

H.R. 5000. An act for the relief of Pedro Irizarry Guido;

H.R. 15712. An act to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for titles I through IV through fiscal year 1971; and

H.R. 17802. An act to increase the public debt limit set forth in section 21 of the Second Liberty Bond Act.

RABBI NORBERT WEINBERG

(Mrs. HECKLER of Massachusetts asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, we were privileged today to hear a most inspiring prayer by one of our Nation's distinguished spiritual leaders, Rabbi Norbert Weinberg of Congregation Adas Israel, Fall River, which is part of my congressional district.

May I take a moment to express my personal appreciation and that of my constituency to Rabbi Weinberg for his magnificent and lasting contribution to the fellowship and brotherhood for which Fall River is noted. He has instilled the spirit of good will among his own congregation and to churches of all denominations in his area.

Himself a fugitive from injustice in Nazi Germany, Rabbi Weinberg has come to our shores much like the Pilgrims in the early 17th century, to foster the brotherhood of man under the fatherhood of God.

At the tender age of 7, he felt the whip of prejudice, and having escaped with his parents, he vowed to dedicate his life to the betterment of mankind. Although the son of a physician, Norbert Weinberg chose the rabbinate as a vehicle for his humane zeal.

In closing, I wish to thank Rabbi Weinberg, his wife, Shoshanah, and their four children who are here, for journeying to Washington and offering us the opportunity to hear his prayer.

PERMISSION FOR HOUSE MANAGERS TO FILE CONFERENCE REPORT ON H.R. 17868, DISTRICT OF COLUMBIA APPROPRIATIONS, 1971

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 17868) 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.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

FRANK PARSONS OF ALABAMA—NATIONAL VICE PRESIDENT OF THE U.S. JAYCEES

(Mr. BUCHANAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BUCHANAN. Mr. Speaker, Alabama has done it again.

During the U.S. Jaycees 50th annual convention in St. Louis last week our State captured a number of awards, not the least of which was the election of Alabama Jaycee President Frank Parsons of Birmingham as national vice president of the U.S. Jaycees.

This convention capped a year of outstanding achievement by the Alabama Jaycee chapter which earlier this month was named No. 1 in the Nation.

Mr. Parsons' selection as vice president was but one of many honors bestowed upon the Alabama Jaycees and city chapters throughout our State. It was also only one of the honors for Mr. Parsons who was named one of the five outstanding State presidents in the United States.

I am delighted to report that the Birmingham Junior Chamber of Commerce received one of the top national awards for its community relations program. The city, which it is my privilege to represent in the Congress, has made great progress in recent years, much of it through the efforts of groups like the Jaycees. Thus, Mr. Speaker, this recognition is well deserved.

Jaycees in the cities of Huntsville, Mobile, and Tuscaloosa were also cited for their work in several different areas including health and safety programs.

Alabama Jaycee vice president Renza Bowen of Alexander City was named one of the 10 outstanding State vice presidents and Wayne White of Lafayette was tapped as one of the five outstanding